

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26359 of 2025

Arising Out of PS. Case No.-9 Year-2025 Thana- VAINI District- Samastipur

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1. Om Prakash @ Om Prakash Sah S/o Late Deenanath Sah Resident Of Village- Main Road Motipur, Ps - Motipur, Distt.- Muzaffarpur
 2. Dilip Kumar S/o Yogendra Sah R/o Sri Ram Colony, Bhagwanpur Chatti, Reva Road, P.S.- Muzaffarpur, Distt.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anand Singh, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-05-2025 Heard Mr. Anand Singh, learned counsel for the petitioners and Mr. Rana Randhir Singh, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Waini P.S. Case No. 09 of 2025, F.I.R. dated 15.01.2025 for the offences punishable under Sections 105,3(5) of Bharatiya Nyay Sanhita.

3. According to prosecution case, upon information that due to explosion of boiler in the aluminum factory some people have died and some people were injured, police reached the place of occurrence and found the wall and shed of factory badly damaged and four laborers were injured and dead body of



two laborers were found under the debris.

4. Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case merely on the ground that the petitioners are the owner of the factory in question. He further submits that factory was running with safety requirements and due to blast in boiler the present occurrence took place which was not intended by the petitioners and apart from that as per Section 8(4) of the work men's compensation Act, 1923, the petitioners deposited the compensation amount to the deceased dependent's as follows:-

(i) Late Jatin Lalit Kumar's dependent got Rs. 10,15,283 (Rupees Ten Lakh Fifteen Thousand Two Hundred Fifty Three).

(ii) Late Jyoti Sah's dependent got Rs. 10,01,036 (Rupees Ten Lakh One Thousand Thirty Six)

(iii) Late Chandeshwar Rai's dependents got Rs. 8,90,649 (Rupees Eight Lakh Ninety thousand Six Hundred Forty Nine)

(iv) Late Sanjay @ Jagannath Mukherjee dependents got Rs. 8,19,950 (Rupees Eight Lakh Nineteen Thousand Nine Hundred and Fifty), but it could not be transferred in the account of dependents due to some glitch in the Aadhar Card.



5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners and submits that petitioner no.1 has one criminal antecedent in which he is on bail and petitioner no.2 has clean antecedent.

6. Considering the aforesaid facts and circumstances and the fact that the present occurrence is beyond the control of the petitioners and as per Section 8(4) of the work men's compensation Act, 1923, the petitioners have paid the compensation amount to the family of the deceased persons, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M-I, Samastipur in connection with Waini P.S. Case No. 09 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and



on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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