

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48962 of 2024

Arising Out of PS. Case No.-276 Year-2024 Thana- KOTWALI District- Patna

Neeraj Gandhi SON OF Ravindra Kumar Gandhi Resident of Flat No. 802,
Pushpanjali Venkatesh Apartment, Budh Marg, P.S. -Kotwali, Town and
District -Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mohit Agarwal, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 13 06-02-2026 1. Heard learned counsel for the petitioner and the
learned APP for the State, Mr. Chandra Bhushan Prasad.
2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 304 of the
Indian Penal Code.
3. The learned counsel for the petitioner submits that
petitioner has antecedent of one case and the informant alleges
that he received a secret information about a sudden fire that
engulfed Pal Hotel on 25.04.2024, accordingly the informant
reached the spot for verification and saw that Pal Hotel and
Amrit Hotel adjacent to Pal Hotel were engulfed in fire,
thereafter fire brigade along with Kotwali police station officials
also reached and eventually the fire was brought under control



within 2-3 hours, later NDRF and SDRF also arrived, it is next alleged that almost 30 people who were stuck in the room of hotel were brought out safely with the help of fire brigade, few people received burn injuries while being rescued however, six people died on account of injury suffered by fire, it is next alleged that both hotel had a very narrow passage for entry without any alternative passage, it is further alleged that rules and regulations related to fire safety and health have been ignored on account of which when the fire broke out none of the guests could escape as there was absence of alternative passage, it is also alleged that reason for fire was that the kitchen and entry gate of Pal Hotel are adjacent to each other, where refrigerator and AC outlets are located, the chef was cooking and due to his negligent act, the kitchen caught fire which could not be controlled as there was no arrangement to extinguish the fire.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant being owner of Pal Hotel. It is also submitted that from perusal of the allegation as alleged in the FIR, it would manifest that petitioner was not present at the place of occurrence when the occurrence is alleged to have taken place.



It is next submitted that though in the FIR it is alleged that six persons died, but none of the guests residing in Pal Hotel died, it is also submitted that FIR itself suggests that 30 guests were evacuated, which amply demonstrates that there was space based on which the fire brigade could save innocent lives. It is further submitted that it is not the case of the prosecution that petitioner deliberately committed the occurrence, but then the hotel was caught in the spate of fire which occurred on account of *bona fide* inadvertence committed by the chefs cooking the food. It is also submitted that the hotel, in question, is existing at the place of occurrence for the last more than 30-40 years, but then no such occurrence ever took place nor any objection was ever raised by any of the authorities with regard to construction of the hotel, but since an occurrence took place, as such, the FIR came to be instituted with an exaggerated allegation. It is also submitted that two of the employees of the petitioner's hotel died, but then they have been compensated and the petitioner bore the expenses of the injured who were treated in hospital. It is further submitted that for constituting a criminal offence, both *actus rea* and *mens rea* is required, but then in the instant case neither *actus rea* nor *mens rea* can be imputed against the petitioner, since he was not present at the place of occurrence



and the hotel was running for the last so many years catering to the customers and no such occurrence ever took place. It is also submitted that no hotel owner would deliberately indulge in an act which shall bring disrepute to the business itself. It is further submitted that petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Kotwali P.S. Case No. 276 of 2024 subject to the conditions as laid down under Section 482 (2) of BNSS.

7. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that petitioner despite giving assurance to this Court is not co-operating in the



investigation, in that event the learned Trial Court shall be at liberty to cancel the bail bonds of the petitioner.

8. Let a copy of this order be sent to the concerned police station through the learned Trial Court.

9. Accordingly, the instant anticipatory bail application stands allowed.

(Satyavrat Verma, J)

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