

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.18697 of 2015**

Arising Out of PS.Case No. -12 Year- 2011 Thana -C.B.I CASE District- PATNA

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1. Shiv Narain S/o Late Ramswarup R/o A-207 Nanda Devi Apartment Plot  
No.- 19 Sector-10 Dwarika New Delhi.

.... .... Petitioner/s

Versus

1. The State of Bihar Through C.B.I./ACB, Patna

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. S.N.P. Sinha, Sr.Advocate with  
Mr. Baleshwar Prasad Choudhary

For the Opposite Party/s : Mr. Bipin Kumar Sinha (SC/CBI)

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA**  
**ORAL ORDER**

4      25-06-2015                      Heard Shri S.N.P. Sinha, learned Senior Counsel for the  
petitioner and Shri Bipin Kumar Sinha, learned counsel for the  
C.B.I.

The petitioner seeks his bail in a case registered under  
Sections 120B, 409, 420, 467, 468, 471 and 477A of the Indian  
Penal Code and Section 13(2) read with 13(1) © and (d) of the  
P.C. Act.

It is alleged that the petitioner, being the Executive  
Engineer of the Project, committed different illegality and  
irregularity. It is alleged that the petitioner received Rs.50,000,-  
from the contractor entrusted with the construction work. The  
petitioner did not take prior permission from the superior officer  
and allowed the contractor to engage petty contractor. The  
petitioner also did not take measurement of the earth work before  
its initiation.

Shri S.N.P. Sinha, learned Senior Counsel appearing for  
the petitioner, submits that the petitioner was the Executive  
Engineer and he retired from service. The petitioner is in jail. The

Investigating Officer of the case submitted a questionnaire to the Chief Engineer of the Project, who in turn, replied all queries made by the I.O of the C.B.I. which is annexed as Annexure-1 to the supplementary affidavit at page 5. The Chief Engineer has categorically made reply to the entire questionnaire but did not find any illegality committed by the petitioner.

On the other hand, Shri Bipin Kumar Sinha, learned counsel appearing for the C.B.I. has pointed out that the petitioner has committed illegality in execution of the work only for illegal gain.

Considering the allegation made and the fact that the petitioner, being retired engineer, is in jail since 9.3.2015 and has already remained in jail for more than three and half months, the petitioner, named above, is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Special Judge, C.B.I-III, Patna in connection with Special Case No.8/11 RC 12(A)11, subject to the condition that both the bailors should be local having substantial immovable property in their names and the petitioner shall cooperate during the course of trial by remaining present in the court as and when required by the trial court.

**(Prabhat Kumar Jha, J)**

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