

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3642 of 2015

Arising Out of PS.Case No. -1340 Year- 2008 Thana -EAST CHAMPARAN COMPLAINT
District- EASTCHAMPARAN(MOTIHARI)

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1. Er. Arun Kumar @ Arun Kumar S/O Late Ram Sewak Prasad of vill-
Raisa,P.S-Chandi,Distt.-Nalanda. Then Executive Engineer, P.W.D.,
Works Division,Motihari.
 2. Er.Binod Kumar@Binod Kumar Son of Sri Chandrika Singh Resident of
vill-Telwar,P.S-Telwar,Distt.-Nalanda.
Then Assistant Engineer,P.W.D.Motihari
 3. Er.Vijay Shankar Prasad@Vijay Shankar Prasad S/O Late Shoe Balak
Prasad Resident of vill-Aaranda,P.S-Hasanpura,Distt.-Siwarn Junior
Engineer,P.W.D,Dehri-on –Sone.
 4. Ravikant Verma@Ravikant @ Ravishant S/o Rajnandan Prasad Sah
Resident of vill-Tiha Mahavir Asthan,Distt.-Gaya,Sr.Divisional Account
Officer,P.W.D Gaya
 5. Sheonath Ram@Shoe Narayan Ram S/O Late Ram Balai Rai Resident of
vill-Sewraha,P.S-Harsidhi,Distt.-East Champaran,Divisional Engineer

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Parmanand Prasad (App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 21-05-2015 The petitioners are apprehending their arrest in

connection with Complaint Case No. C- 1340/2008 (Trial No.

7433 of 2014) for the offence under Sections 406, 409 and 420 of

the Indian Penal Code.

Heard learned counsel for the petitioners and the State.

The prosecution story, in brief, is that Ex MLC Ramji

Prasad Sharma and other representatives had prayed for repairing

of REO Roads. Finally for the entire State of Bihar, Rs. 11 crores



and 80 lacs was sanctioned. Rs. 7 lacs was sanctioned for repairing of road from Madhumalat Bazar to Madhopur. The allegation is that Arun Kumar, Vinod Kumar and Vijay Shankar Prasad told MLC that though the work was to be done at the departmental level but due to time constraint they would not be able to do so. The Executive Engineer asked the MLC to arrange for 2 or 3 persons who would do the work by investing their own money. He assured that he would sanction the money and pay later on. The further allegation is that the work was done by the complainant but the accused persons refused to pay. The complainant further came to know that the accused persons withdrew Rs. 2 lacs on 29.03.2008 and defalcated the same amongst themselves.

It has been submitted on behalf of the petitioners that petitioner no.1 is the then Executive Engineer in P.W.D. Works Division, Motihari, petitioner no.2 is the then Assistant Engineer, P.W.D., Motihari, petitioner no.3 is the Junior Engineer, P.W.D. Dehri-omn-sone, petitioner no.4 is the Sr. Divisional Account Officer, P.W.D., Gaya and petitioner no.5 is the Divisional Engineer. It has further been submitted that the petitioners have falsely been implicated in the present case. It is also submitted that each petitioner is ready to deposit an amount of Rs. 35,000/-

(thirty five thousand) in the court below, which shall be subject to final disposal of the case.

On behalf of the State it has been submitted that the petitioners are named in the FIR and there is specific allegation of defalcation of Rs. 2 lacs.

Considering the fact that each petitioner is ready to deposit an amount of Rs. 35,000/- (thirty five thousand) in the court below, which shall be subject to final disposal of the case, let the above named petitioners, in the event of their arrest or surrender in the court below within a period of eight weeks, 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 learned C.J.M., East Champaran at Motihari in connection with Complaint Case No. C- 1340 of 2008 (Trial No. 7433 of 2014), subject to the conditions as laid down u/s 438(2) Cr.P.C.

(Sudhir Singh, J)

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