

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39491 of 2015

Arising out of PS.Case No. -289 Year- 2005 Thana -PHULPARAS District- MADHUBANI

Suresh Ram, Son of Late Ram Prasad Ram, resident of Village - Lakhanpur,
P.S. Muffasil, District - Gaya.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

Appearance :

For the Petitioner : Mr. Gagan Deo Yadav, Advocate.

For the Opposite Party : Mr. Vinod Shankar Modi (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 28-09-2015 Heard learned counsel for the petitioner and learned
counsel for the State

The petitioner is apprehending his arrest in connection with
Phulparas P.S. Case No. 289 of 2005 for the offences instituted
under Sections 467, 468, 471 and 420/34 of the IPC.

The prosecution story, in brief, is that this case has been
registered against two accused persons excluding this petitioner on
the basis of the written report of the informant Nawal Kishore Lal,
Assistant Engineer, Electricity Board, Jhanjhapur, vide his Letter
No. 168 dated 29.12.2005 in which he has alleged that the accused
Ajay Kumar, Contractor, was allotted for electrification in the
villages Sugapatti, Suriyahi and Hasanpur vide order Nos. 118,
119 and 120 respectively but he did not do the work and in

collusion with the then officers misappropriated and defalcated Rs. 7,56,018.31 paisa of the Electricity Board by showing forged and fabricated expenses.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. It is further submitted that the petitioner is not named in the F.I.R. His name has come in course of investigation. The petitioner was not present as an Executive Engineer, Electricity Department, at the relevant time of occurrence rather he was posted at Patna. The alleged Scheme relates to the year 2002-2003. There is no specific allegation against the petitioner for misappropriation of the government money. It is further submitted that the petitioner is ready to deposit an amount of Rs. 20,000/- 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 petitioner is not named in the F.I.R. His name has come in course of investigation.

Considering the aforesaid facts and circumstances, it is directed that the petitioner shall deposit an amount of Rs.20,000/- in the court below which shall be subject to final disposal of the case and on doing so, let the petitioner above named, be released on bail in the event of his arrest or surrender before the learned

court below within a period of four weeks from today in connection with Phulparas P.S. Case No. 289/2005 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Jhanjharpur, Madhubani, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)