

IN THE HIGH COURT OF JUDICATURE AT PATNA  
Criminal Miscellaneous No.46310 of 2014

Arising Out of PS.Case No. -471 Year- 2013 Thana -BEGUSARAI MUFFASIL District-  
BEGUSARAI

1. Mukesh Kumar Singh Son of Late Ramesh Prasad Singh Resident of  
Village - Amari, P.S.-Dharahara, Dist.-Munger, At present posted Junior  
Engineer at Dandari Block, Dist.-Begusarai  
..... Petitioner

Versus

1. The State of Bihar  
..... Opposite Party

with

Criminal Miscellaneous No.51905 of 2014

Arising Out of PS.Case No. -471 Year- 2013 Thana -BEGUSARAI MUFFASIL District-  
BEGUSARAI

1. Shiv Shankar Sundaram son of Late Parmeshwar Prasad Resident of  
village /Mohalla - Durukhi Lane, Bankipur, P.S. Pirbahore, District -  
Patna  
..... Petitioner

Versus

1. The State of Bihar  
..... Opposite Party

Appearance :

(In Cr.Misc. No.46310 of 2014)

For the Petitioner : Mr. Praveen Kumar Agrawal  
For the Opposite Party : Mr. Md.Sufiyan (App)

(In Cr.Misc. No.51905 of 2014)

For the Petitioner : Mr. Md.Imteyaz Ahmad  
For the Opposite Party : Mr. Ajay Kr. Jha (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH  
ORAL ORDER

2 21-04-2015 Heard learned counsels for the petitioners  
and the State.

Petitioners being Junior Engineer and  
Assistant Engineer are apprehending their arrest in a case  
registered for the offences punishable under Sections 409/34 of  
the I.P.C.

It is alleged that in Manrega Scheme No. 15 of

2008-09, Rs. 3,82,780/- was given to the executing agent Murari Yadav for earth filling work but during enquiry it was found that no work was done and the entire money was misappropriated by the executing agent in conspiracy with other co-accused including the petitioners.

It is submitted by learned counsel appearing on behalf of petitioner Mukesh Kumar Singh that petitioner was a Junior Engineer and he was not authorized to make payment. Moreover for the work done in the year 2008-09 the First Information Report has been registered in 2013.

It is submitted by learned counsel appearing on behalf of petitioner Shiv Shankar Sundaram that this petitioner was an Assistant Engineer and only gave technical sanction and there is no accusation against him that he participated in the execution of the work. Moreover the executing agent Murari Yadav who received the total payment has been granted regular bail on deposit of Rs. 50,000/- vide order passed in Cr. Misc. No. 19870 of 2014.

Considering the fact that petitioners are government servants, let the petitioners, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on the same condition of deposit of Rs. 50,000/- each before learned Court below which will be invested in some fixed deposit scheme in connection with the present case, which will

be subject to the result of the case, on furnishing bail bond of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Begusarai in connection with Begusarai Muffasil P.S. Case No. 471 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



Shageer/-

**(Dinesh Kumar Singh, J)**

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