

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.7627 of 2015

Arising Out of PS.Case No. -497 Year- 2014 Thana -KAJI MUHAMMADPUR District-
MUZAFFARPUR

Bibhuti Nath Jha, S/o Late Baidyanath Jha resident of E-Type Quarter,
Block Campus, Hajipur, P.S. - Sadar, District- Vaishali.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Rakesh Singh, Advocate

For the Opposite Party/s : Mrs. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

6 12-08-2015 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks anticipatory bail in connection
with Kazi Mohammadpur P.S. Case No. 497 of 2014 registered
under Section 409 read with 34 of the Indian Penal Code.

The prosecution case, in brief, is that on 26.12.2014,
the Executive Engineer, National Highway Division,
Muzaffarpur lodged a written complaint before the Officer-in-
charge, Kazi Mohammadpur Police Station that due to missing
of measurement book No. 890, 985, 968, 967, 857 and 1027
from the office of the division, those could not be produced



before Departmental Enquiry Commission by the office. It is stated that a departmental proceeding bearing no. 34 of 2006 is going on before the Departmental Enquiry Commissioner against the petitioner who was posted in the said division as Sub-Divisional Officer, N.H. Sub-Division, Barauni at the relevant time. He further alleged that due to non-availability of the said measurement books, the departmental proceeding is hampered.

Learned counsel for the petitioner has submitted that being the Sub-Divisional Officer the petitioner had deposited the measurement books before the N.H. Division office, Muzaffarpur which was checked and signed by Divisional accounts clerk and Divisional Accounts Officer and the same was passed by the then Executive Engineer. The said measurement books, vouchers and monthly cash book were put before the Executive Engineer for adjustment of account in Divisional cash book but the same was not adjusted and the account was withheld for technical reasons and for which a departmental proceeding is going on. He further contended that the receipts granted by the authority regarding the M.B. No. 890, 985, 968 & 967 are already with the petitioner which have been annexed as Annexure-2 series to this application. It is further

contended that the petitioner is in Government service and is not likely to abscond or tamper with the evidence.

Learned counsel for the State has opposed the prayer for bail.

Regard being had to the nature of allegation, in the event of arrest or surrender within a period of four weeks from today, the petitioner is directed to be released on anticipatory bail 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., Muzaffarpur in connection with Kazi Mohammadpur P.S. Case No. 497 of 2014 subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Ashwani Kumar Singh, J.)

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