

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5082 of 2015

Arising Out of P.S. Case No. -308 Year- 2012 Thana - LAHERIASARAI District- DARBHANGA

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Zahid Hussain, Son of Late Abu Zafar, resident of Village - Deora
Bandhauri, P.S. - Jalley, District - Darbhanga.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance:

For the Petitioner/s :

For the Opposite Party/s :

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

2 05-02-2015

Heard both sides.

The petitioner apprehends his arrest in Laheriasarai
P.S. Case No. 308/2012, registered under Sections 406/420 of the
Indian Penal Code.

According to the prosecution allegation, the
petitioner was entrusted with the repairing work of Keoti - Raiyam
road in the year 2007-2008 vide Agreement No. 12F2/2007-2008.
On 02.09.2008, the work was completed. Payment was made but
the security money was withheld. Thereafter, a notice was issued
to the petitioner in the year 2011 that the bitumen was to be
purchased from I.O.C. or Hindustan Petroleum, but the petitioner
did not submit vouchers showing the purchase of bitumen from
I.O.C. or Hindustan Petroleum. In pursuance thereof, the petitioner
submitted a show cause, but the authority found some vouchers

submitted by the petitioner to be forged.

Learned counsel for the petitioner submits that the petitioner submitted the vouchers after purchasing bitumen from I.O.C. and Hindustan Petroleum. Work was done as per the standard approved in the Agreement and no fault was found in the repairing work done by the petitioner, but even the security money is lying with the department and the same has not been paid as yet.

On the facts aforesaid, it appears that after five years of completion of work, the Executive Engineer, who after supervising the road repairing work, made payments but issued notice that the bitumen used in the road was not purchased from I.O.C. or Hindustan Petroleum. When the petitioner submitted explanation, it was found that some of the vouchers showing purchase of bitumen from I.O.C. or Hindustan Petroleum were found forged, but no irregularity or substandard work was found in the construction of the road.

Considering the facts aforesaid, the above named petitioner, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, is directed to be enlarged on bail on furnishing bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned

Chief Judicial Magistrate, Darbhanga in Laheriasarai P.S. Case
No. 308/2012, subject to the conditions as laid down under
Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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