

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55533 of 2015

Arising Out of PS.Case No. -282 Year- 2008 Thana -BIHARSHARIF District- NALANDA
(BIHARSHARIFF)

Sanjay Kumar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumod Kumar Shrivastaw

For the Opposite Party/s : Mr. Akbar Ali(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-12-2015

Heard learned counsels for the petitioner and the State.

The petitioner being an Assistant Engineer apprehending arrest in a case registered for the offences punishable under Sections 409, 420, 467, 468, 471/34 of the Indian Penal Code.

The prosecution case is that during the construction of the Outdoor Stadium at Ram Babu High School, Hilsa and on an enquiry being conducted, it was found that the petitioner being Assistant Engineer and co-accused Surendra Prasad Singh (Junior Engineer) have not maintained measurement book though the work of Rs. 9, 86, 291/-, was completed but after conducting the inquiry, it was found that the deducted sales tax and royalty amount was not deposited in the government account.

It is submitted by the learned counsel for the petitioner

that the thrust of accusation is against Junior Engineer, Surendra Prasad Singh, as the advance was given to the Junior Engineer and the duty to maintain measurement book is of the Junior Engineer. Moreover, no royalty and sales tax was deducted with regard to construction of the outdoor stadium.

Considering the fact that the case was registered in the year 2008 and this bail application has been filed in the year 2015, this Court is not inclined to release the petitioner on anticipatory bail.

Let the learned court below consider the prayer for regular bail of the petitioner if he surrenders within a period of six weeks in connection with Bihar P.S. Case No. 282 of 2008 pending in the Court of learned C.J.M., Nalanda.

Accordingly, the application is disposed of.

(Dinesh Kumar Singh, J)

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