

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19036 of 2015

Arising Out of PS.Case No. -24 Year- 2013 Thana -PHENHARA District-
EASTCHAMPARAN(MOTIHARI)

=====

Birendra Ram son of Late Radhika Ram resident of village- Surujpura,
Police Station- Basantpur, District- Siwan, at Present Posted as Block
Education Officer, Sikta, Police Station- Sikta, District- West Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra

For the Opposite Party/s : Mr. Uday Chandra Prasad(App)

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

7 11-12-2015 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

The petitioner being a Block Education Officer
presently posted at Sikta, West Champaran, is apprehending his
arrest in Phenara P.S.Case No.24/13 for the offences under
Sections 406, 409, 420, 467, 468 and 120(B) of the I.P.C.

Learned counsel for the petitioner submits that the
Vigilance report came to be the basis of the present F.I.R. filed
regarding the irregularities in course of construction work of the
Kasturba Gandhi Residential Girls School, Bettiah, East
Champaran. In the said report the Vigilance Department detected
that instead of 5” thick roof 3” roof had been casted and there is



also discrepancy in floor of the other materials of the said building. He further submits that so far as this petitioner is concerned, while the work in question was in progress for the year 2007-2008, during which period the allotment of the building had been made to the concerned Block Education Officer, it was not this petitioner, rather one Ram Nandan Prasad who was functioning as B.E.O.. He further submits that the petitioner was only concerned with the period from 9th October, 2010 to June, 2011, i.e., for a limited period for about nine months. During the aforementioned period the petitioner under the direction of his Senior authority had issued three cheques to the tune of Rs.3,50,000/- only. He further submits that one Amjad Kamal who was the contractor and had received payment to complete the construction work is attributed to be the main accused person in connection with the irregularities committed. He further submits that the said co-accused person, namely, Amjad Kamal, has been extended the privilege of anticipatory bail in connection with the present case in Cr.Misc. No.4565 of 2014 vide order dated 19.6.2014.

Further one Awadh Kishore Pandey and Upendra Kumar Singh being Technical Supervisors have also been extended the same privilege in Cr.Misc. No.21198/14 vide order dated 15.01.2015 and also one Vijay Kumar Rajak, Manish Kumar

and Lakshman Ram being the Executive Engineer, Assistant Engineer and Junior Engineer respectively have been provided interim protection vide order dated 24.04.2014 passed in Cr.Misc.No.7723 of 2014.

Considering the aforementioned facts and circumstances of the case and that similarly situated co-accused persons have already been extended the privilege of anticipatory bail, let the petitioner, abovenamed, in the event of his arrest or surrender before the court below within four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of the S.D.J.M., Sikrahana at Motihari, East Champaran, in Phenara P.S. Case No.24 of 2013 subject to the conditions as laid down under Section 438(2) of Cr.P.C.

(Anjana Mishra, J)

AnilKrSinha/-

U		T	
---	--	---	--