

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4914 of 2016

Arising Out of PS.Case No. -821 Year- 2015 Thana -BHAGALPUR KOTWALI District-
BHAGALPUR

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1. Deena Nath Choudhary @ Dinanath Chaudhary son of Late Sukhram Choudhary, R/o Minor Irrigation Colony, Mayaganj, P.S.- Barari, District- Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Baban Kumar

For the Opposite Party/s : Mr. A.M.P.Mehta(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 28-04-2016 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner being the Chief Engineer of the Water Resources Department, posted at Bhagalpur apprehends his arrest in connection with a case registered for the offences punishable under Sections 420/467/468/471/120B/34 of the Indian Penal Code.

Diary in this case was called for earlier which has since been received.

Learned counsel for the petitioner submits that the present case has been filed at the instance of one disgruntled tenderer who after being unsuccessful in the bid, has lodged a complaint with the Principal Secretary, Water Resources Department. Based on

the said complaint, an enquiry was conducted and though certain facts were indistinct, prosecution has been launched against the petitioner alleging that he had violated Rule 163 of B.P.W.D Code.

It is submitted on behalf of the petitioner that the petitioner joined his service in the year 1976 and has an unimpeachable service career and entire allegations are false and misconceived and have been levelled only to humiliate the petitioner.

Referring to certain documents, he submits that there was no second bid and the successful bidder of the first bid itself was awarded the contract and the work was completed according to Rules without any complaint from any quarter.

Learned counsel appearing for the State after referring to several paragraphs of case diary has pointed out to paragraph No. 11 wherein one independent witness has categorically stated that the bid was conducted in presence of the representatives of the four bidders and they had themselves given the names of the person who would pick the lots and, thereafter, one Ajit Kumar was declared as the successful bidder. Co-accused Rahul Kumar Verma who had picked the lot has been also implicated in this case as he had conducted the lots.

It is submitted that the said independent witness has also

stated that the Mala Devi dissatisfied by not having been awarded the contract, filed the present case. In fact there was no second bid in which she was declared as a successful bidder and also there was no illegality in the conduct of the first bid.

Be that as it may, the petitioner is a responsible Government servant and in view of the contrary versions and the material which has surfaced in the case diary, let the petitioner, in the event of his arrest / surrender within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur in connection with Kotwali (Barari) P.S. Case No. 821 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

It is made clear that one of the bailors of the petitioner shall be his close relative, namely, wife, son, father and mother. Further, it is directed that he shall make himself available at all material times so that the investigation as well as the proceeding of the Court below is not delayed, and the case reaches its logical conclusion.

(Anjana Mishra, J)

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