

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12455 of 2016

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

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Helal Ahmad

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Anita Kumari Singh (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 16-03-2016

Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 409/34 of the Indian Penal Code.

The prosecution case 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 nos. 890, 985, 968, 967, 857 and 1027 from the divisional office, those measurement books could not be produced before Departmental Enquiry Commission by the office. It is further alleged that a departmental proceeding bearing no. 34 of 2006 was initiated against Bibhuti Nath Jha who was posted as Sub-Divisional Officer, in the N.H. Sub-Division, Barauni at the relevant time. It is further alleged that due to non-availability of

the said measurement books, the departmental proceeding got hampered.

It is submitted by learned counsel for the petitioner that the petitioner was Junior Engineer and he had to handover the measurement book to the Sub-Divisional Engineer and it was handed over to him. The Sub-Divisional Engineer, Bibhuti Nath Jha against whom the departmental proceeding was also initiated, has been granted anticipatory bail by a co-ordinate Bench of this Court vide Cr. Misc. No. 7627 of 2015 wherein it has been recorded that he submitted the measurement book in the office and he had the receiving of the same and after verification of the measurement book, vouchers and monthly cash-book, the Executive Engineer made adjustment of the account in the divisional cash-book but the same was not adjusted as the account was withheld for technical reasons and for the same a departmental proceeding was initiated against Bibhuti Nath Jha.

Considering the thrust of accusation against Bibhuti Nath Jha who has been granted anticipatory bail, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹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.

(Dinesh Kumar Singh, J)

Amrendra/-

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