

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37563 of 2016

Arising Out of PS.Case No. -281 Year- 2008 Thana -BIHARSHARIF District- NALANDA
(BIHARSHARIFF)

Sanjay Kumar , aged about 57 years Son of Sri Surendra Prasad Sinha
resident of Village- Basantpur, Under Righa Police Station, District
Sitamarhi, the then Assistant Engineer, Rural Development Special Division
Nalanda Biharsharif.

..... Petitioner/s
Versus

The State of Bihar

..... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Braj Nandan Singh
For the Opposite Party/s : Mr. M. Dayal, APP

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 03-10-2016 Heard the counsel for the petitioner and Mr. M. Dayal,
APP for the State.

The petitioner in his capacity as Assistant Engineer,
Rural Development Special Division was entrusted with two
works under different schemes. The present case relates to
scheme no. 2 of 2006-07 which pertains to construction of work
under the tourism plan/scheme. The estimated cost of the scheme
was Rs. 18,61,800/- for which, on request of the petitioner,
co-accused Executive Engineer provided advance in the sum of
Rs. 15 lacs to the petitioner. Under the order(s) of the District
Magistrate, the team constituted for inquiry into the

illegalities/irregularities in the execution of work found that the work executed was not as per specification inasmuch as remained in-complete. Having found culpability on the part of the petitioner in execution of the work assessed/inquired by the team of affairs, the FIR was lodged in 2008. The present bail application is filed in the year 2016. In the meanwhile, the petitioner has not submitted to the jurisdiction of the Court for the last 08 years.

Considering the allegations leveled in the FIR as also the other materials reflected from the records including the order passed by the learned Sessions Judge as well as the fact that the petitioner evaded arrest and did not submit to the jurisdiction of the Court for about 08 years, I am not persuaded to extend him the privilege of anticipatory bail. The prayer is rejected.

If the petitioner surrenders and seeks regular bail, the court below shall consider and dispose of the same on its own merit unprejudiced by the present order.

(Kishore Kumar Mandal, J)

rohit/-

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