

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38312 of 2016

Arising Out of PS.Case No. -83 Year- 2016 Thana -NAWINAGAR District- AURANGABAD

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Dinanath Dubey, (Junior Engineer), Sone High Level Cannel, Sub-Division (Barun) son of Late Rajendra Dubey Resident of Village- Fazalganj Sasaram, P.S.- Sasaram, District- Sasaram (Bihar).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kulanand Jha

For the Opposite Party/s : Sri Aditya Narayan Singh 1

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 17-09-2016 Heard Sri Alok Chaudhary, learned counsel , who was assisted by Sri Kulanand Jha, learned counsel for the petitioner and Sri Aditya Narayan Singh, learned Additional Public Prosecutor.

The sole petitioner, who is named as one of the accused in the F.I.R. in Nabinagar P.S. Case No. 83 of 2016 registered for the offence under section 420/ 406/ 409/ 34 of the Indian Penal Code, has prayed for grant of anticipatory bail.

It was submitted by learned counsel for the petitioner that petitioner was a small fry and he was occupying the post of Junior Engineer in Nagar Panchayat, Nabinagar and he has been victimized and big fishes have been left out. He submits that petitioner being Junior Engineer was also appointed as executive



agent for executing certain contractual works. The petitioner was not given any opportunity to file any explanation regarding the allegations nor he was given opportunity to refund the amount. He submits that whatever amount is lying with the petitioner, the petitioner is still ready either to complete the work or to refund the said amount and as such , a prayer has been made to extend the privilege of anticipatory bail.

Learned Additional Public Prosecutor has opposed the prayer for grant of anticipatory bail.

Besides hearing learned counsel for the parties, I have also perused the materials available on record including the F.I.R. The present F.I.R. has been lodged after conducting thorough enquiry regarding illegality and misappropriation committed in respect of public fund in Nagar Panchayat , Nabinagar. As per the F.I.R. there was allegation that the Chairman of the Nagar Panchayat, Nabinagar was accused no. 1 Smt. Radha Singh whereas her husband and son were virtually discharging the duty of Chairman of the Nagar Panchayat. During enquiry fact has come that public money was misappropriated by the accused persons conniving with each other. So far petitioner is concerned, being an agent to execute the work had obtained about 75 % of the advance money, whereas either work was not done or it was

not up to mark.

In view of seriousness of the accusation as well as the fact that being a public servant petitioner has been alleged in misappropriation of public fund, the court is of the opinion that it is not a case for grant of anticipatory bail.

The petition stands dismissed.

(Rakesh Kumar, J)

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