

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17626 of 2016

Arising Out of PS.Case No. -60 Year- 2013 Thana -C.B.I CASE District- PATNA

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Dhrub Prasad Munshi Son of Late Rameshwar Munshi resident of Village -
Daludih, P.S. - Rajganj, District - Dhanbad (Jharkhand).

.... Petitioner/s

Versus

1. The State of Bihar through Vigilance, Patna.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhu Nath Pathak, Adv.

For the Opposite Party/s : Mr. Rama Kant Sharma(L.O,I/C Vigi)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

7 02-08-2016 Heard both sides.

The petitioner apprehends his arrest in Vigilance P.S.
Case No. 60/2013, registered for the offences punishable under
Sections 409, 420, 467, 471, 477A, 120B of the Indian Penal Code
and Section 13(1)(d) of Prevention of Corruption Act.

The informant alleged that advance of eight schemes
under MPLADS was taken by the petitioner being the Assistant
Engineer, but without doing any work measurement book was
prepared by the Junior Engineer and verified by the Executive
Engineer Md. Zahoorul Haque. On the day of inspection of work of
the said schemes and lodging of the F.I.R. no work was found to be
done on the site.

It is submitted that petitioner is of course, the agent for



execution of the schemes under MPLAD, money was transferred in the account of the petitioner, but most of the money was held by the then M.P. that is why work could not be initiated. It is further submitted that later on all the eight schemes have been completed and on the basis of which Executive Engineer who is alleged to have prepared and verified the measurement book has already been enlarged on anticipatory bail vide order dated 29.08.2014 passed in Cr. Misc. 13189/2014 by a coordinate bench of this court. The case of petitioner stands almost on the same footing.

Learned counsel for the petitioner submits that at best there appears a case of temporary embezzlement, but later on entire work has been completed and on considering this fact the Executive Engineer was granted anticipatory bail.

On the other hand, learned counsel for the Vigilance Department has submitted that FIR was lodged about the 95% advance for completion of the schemes was transferred in the account of the petitioner who was designated as agent of the schemes. No work was done. Later on, when the inspection was being made only just two weeks before the work was initiated.

It is submitted that petitioner was not made party in the anticipatory bail petition of Md. Zahoorul Haque, but it appears that Vigilance Department is opposite party no. 2 and Zahoorul was

granted anticipatory bail. The case of the petitioner almost stands on the same footing.

Considering the facts aforesaid and the fact that co-accused has already been granted anticipatory bail, the petitioner above-named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Special Judge, Vigilance II, Patna in connection with Vigilance P.S. Case No. 60/2013, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Jha, J.)

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