

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40783 of 2015

Arising Out of PS.Case No. -115 Year- 2013 Thana -KOTWALI District- MUNGER

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Yogendra Prasad Son of Late Prabhu Yadav Resident of Village - Nabtaliya
Bindbara, P.S. - Kashim Bazar, District - Munger.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Dharendra Nath Jha, Advocate.

For the Opposite Party : Mr. Amit Kumar Rakesh (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 25-07-2016 Heard learned senior counsel Mr. Akhileshwar Prasad
Singh for the petitioner and learned APP for the State.

The petitioner apprehends his arrest in Kotwali P.S.
Case No. 115 of 2013 registered for the offences punishable under
Sections 406, 409, 419, 420 and 120B of the Indian Penal Code.

The petitioner is accountant cashier of Nagar Nigam,
Munger and Ram Kumar Rai, Junior Engineer was allotted work
for cleaning of drainage. On the report of the junior engineer Ram
Kumar Rai, payment of Rs. 24, 29, 917/- was withdrawn without
completion of any actual work of clearing of drainage.

Learned counsel for the petitioner submits that Ram
Kumar Rai the junior engineer has already been granted
anticipatory bail vide order passed in Cr. Misc. No. 33424 of 2013



on 20.01.2014 on the ground that work has already been done. Bhanu Prakash being Chief Executive Officer of Nagar Nigam and Controller of Finance and Accounts, Nagar Nigam, Munger was also granted anticipatory bail vide order passed in Cr. Misc. No. 44047 of 2013 on 23.10.2013 and the case of the petitioner stands on better footing, but anticipatory bail petition of the petitioner was rejected vide order dated 16.01.2014 passed in Cr. Misc. No. 25912 of 2013.

It appears that the Chief Executive Officer of Nagar Nigam and Controller of Finance and Accounts, Nagar Nigam, Munger has already been granted bail, thereafter the prayer for anticipatory bail petition of the petitioner was rejected on 16.01.2014. There is no new ground or facts to reconsider the prayer for anticipatory bail of the petitioner.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner above named on anticipatory bail. Accordingly, the same is rejected.

However, the petitioner, if so advised, may surrender before the court below within four weeks from the date of receipt/production of a copy of this order and pray for regular bail, his prayer shall be considered on its own merit without being prejudiced by this order and taking into consideration that Bhanu

Prakash, the Chief Executive Officer and Controller of Finance and Accounts, Nagar Nigam, Munger and Ram Kumar Rai, the junior engineer who were entrusted with the work of cleaning of drainage have already been granted anticipatory bail and dispose of the bail petition preferably on the same day.

(Prabhat Kumar Jha, J.)

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