

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17615 of 2016

Arising Out of PS.Case No. -12 Year- 2016 Thana -RANIGANJ District- ARRARIA

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Madhurendra Kumar Sinha Son of Sri Bhirgu Nath Pd. Sinha Resident of
Village Purani Gudari Bettiah, P.S. - Bettiah, District - West Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Srivastava, Advocate

For the Opposite Party/s : Mr. A. Haque Sahara (APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 12-05-2016 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner apprehends his arrest in connection with

Raniganj P.S. Case No. 12 of 2016 registered for the offences

punishable under Sections 409, 420 and 120(B) of the Indian

Penal Code.

The prosecution case is that at the relevant point of

time, petitioner was posted as Junior Engineer, Rural Works

Department at Raniganj. It is alleged that the certain amount was

disbursed for construction of I.T.C. building at Raniganj Block

headquarters. Estimate for execution of the scheme was Rs.

36,09,600=00 and the amount disbursed was Rs. 33,07,500=00 as

advance. The measurement book showed the expense of Rs.

28,78,962=00. It has been alleged that the amount released for construction of the said building has been misappropriated by the Junior Engineer (petitioner) along with Assistant Engineer.

It has been submitted by the learned counsel for the petitioner that no case under any of the aforesaid sections of the Indian Penal Code is made out against the petitioner. Petitioner has no criminal antecedent. He is a Government Servant and the allegations constitute misconduct within the meaning of Bihar Government Servant Conduct Rules, but no proceeding under the said rules has been initiated against him. It has further been submitted that co-accused Chandra Shekhar Singh, who was Assistant Engineer at the relevant time, having similar allegations, has been granted the privilege of anticipatory bail by a Coordinate Bench of this Court in Cr. Misc. No. 18552 of 2016 on 09.05.2016.

However, learned A.P.P. for the State submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Under such circumstances, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand only)

with two sureties of like amount each to the satisfaction of Sri Sanjeev Kumar II, learned Judicial Magistrate 1st Class, Araria in connection with Raniganj P.S. Case No. 12 of 2016, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

This is subject to further condition that the petitioner will present himself before the police/ Court, as the case may be, as and when required and his failure to appear before the learned Court below on two consecutive dates without any valid reason, his bail bonds will be liable to be cancelled.

(Nilu Agrawal, J.)

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