

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45034 of 2015

Arising Out of PS.Case No. -280 Year- 2008 Thana -BIHARSHARIF District- NALANDA
(BIHARSHARIFF)

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1. Sanjay Kumar son of Shri Surendra Prasad Sinha resident of village-
Basantpur, P.S.- Riga, District- Sitamarhi, the then Assistant Engineer,
Rural Works Special Division, Nalanda

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumod Kumar Shrivastaw

For the Opposite Party/s : Mr. Nityanand (App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 02-02-2016

Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in a case instituted under Sections 409, 420, 467, 468, 471 and 34 of the Indian Penal Code.

The prosecution case, in short, is that with regard to the Health Sub Center Building concerning village development special pramandal, Nalanda, the work has not been completed despite receiving advance money running into various Lacs by the accused persons including the petitioner and after enquiry the accused persons including the petitioner have been found to be guilty of defalcation of public fund and thus the F.I.R has been lodged against them.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. The petitioner is a government employee and he has been made accused due to

mistake of fact. There is no misappropriation of public money made by him. It is further submitted that the petitioner is ready to deposit an amount of Rs.40,000/- in the court below which shall be subject to the final disposal of the case.

On behalf of the State, it is submitted that the petitioner is named in the first information report and has not handed over certain accounts relating to the construction of the Health Sub-Center Building.

Considering the aforesaid facts and circumstances, it is directed that the petitioner shall deposit Rs. 40,000/- in the court below which shall be subject to the final disposal of the case.

Let the above named petitioner, in the event of arrest or surrender in the court below within a period of six weeks, be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Nalanda, in connection with Bihar P.S. Case No.280 of 2008, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

V.P.Sinha/-

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