

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21749 of 2017

Arising Out of PS.Case No. -332 Year- 2016 Thana -DUMRA District- SITAMARHI

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Bhim Shankar Rai, Son of Late R.N. Rai, at present resident of 402,
Bhubneshwar Enclave, A.G. Colony, P.S. Shastri Nagar, District- Patna.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Kripa Nand Jha

For the Opposite Party/s : Mr. A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 01-07-2017 Heard Sri Kripa Nand Jha, learned counsel for the
petitioner and learned Addl. Public Prosecutor.

The petitioner has approached this Court,
apprehending his arrest in Dumra P.S. Case No.332 of 2016
registered for the offence under Sections 420/ 409/34 of the Indian
Penal Code, for grant of bail in the event of his arrest or surrender.

It was submitted by learned counsel for the
petitioner that the petitioner superannuated in the year 2014 and
after his superannuation, present F.I.R. was lodged in the year,
2016. He further submits that it is not a case of misappropriation
of public fund, but allegation has been made that he had made
excess payment to the contractor. He has also submitted that this
Court has already passed an order on the issue of excess payment



in C.W.J.C.No.12336 of 2015. By the said order, a Bench of this Court had observed that on furnishing Bank Guarantee for Rs.3 crores, the respondent shall return the amount to the petitioner of the said case. On the aforesaid ground, he has prayed for grant of anticipatory bail, whereas on going through the material on record, it is evident that even without approval of the Superintending Engineer, the petitioner has made excess payment and the government has suffered a loss of Rs.3 crores. It is evident that the investigation is continuing.

Considering the nature of accusation, I do not find any ground to extend the privilege of anticipatory bail. The petition stands dismissed. However, it is observed that if within six weeks from today, the petitioner appears before the court below and makes a prayer for grant of regular bail, the learned court below without being prejudiced with this order may examine the same and pass appropriate order in accordance with law preferably on the same day.

(Rakesh Kumar, J)

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