

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.54919 of 2017

Arising Out of PS. Case No.-76 Year-2017 Thana- MURLIGANJ District- Madhepura

1. Chakleshwar Kharwar, Son of Bala Kharwar, resident of Plot No. 401, Co-operative Colony, Bokaro Steel City, Bokaro, Police Station Bokaro Steel City, District Bokaro (Jharkhand), the then S.D.O, Irrigation Sub-Division, Bihariganj, District Madhepura, at present posted as S.D.O Western Koshi Canal, Sub Division NO. 03, Kaluahi, District- Darbhanga.
2. Abdus Sattar @ Md. Abdus Sattar, Son of Mohammad Kari, resident of Village Jorganj, Post Ekraha, Police station Jankinagar, District Purnea, at present posted as Junior Engineer, Irrigation Sub Division, Bihariganj, District Madhepura.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Viveka NandSingh

For the Opposite Party/s : Mr. SRI RANA RANDHIR SINGH

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

ORAL ORDER

2 05-12-2017 Heard learned counsels for the petitioners and the State.

Petitioners apprehend arrest in connection with Murliganj P.S. Case No. 76 of 2017 registered for the offence punishable under sections 406, 409 of the Indian Penal Code.

Learned counsel for the petitioners submits that petitioners at the relevant time were posted as Assistant Engineer and Junior Engineer in the Irrigation Sub Division, Bihariganj, Madhepura where the informant was posted as Executive Engineer. They have been falsely implicated in this case by the informant with collusion of the Contractor for putting pressure to pass the incorrect bill. As a matter of fact, the works done by the respective contractors was found defective, and as such, it



was no possible for these petitioners to prepare record entry for defective work. In this regard, petitioner no. 2 made complaint to his superior officer vide Annexure-2. It is relevant to mention that prior to lodging of the present case, the present informant sent a letter to the contractor for improving the defective construction work in light of the complaint of petitioner no. 2, which is contained at Annexure-3. Petitioner no. 1 also wrote letter to the contractor for doing proper construction work vide Annexure-4. Petitioners are men of clean antecedent.

Considering the facts and circumstances of the case and the submissions advanced on behalf of the parties, let the petitioners, above named, in the event of arrest or surrender within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Madhepura in connection with Murliganj P.S. Case No. 76 of 2017 subject to the conditions laid down under section 438(2) Cr.P.C.

(Arvind Srivastava, J)

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