

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38955 of 2017

Arising Out of PS.Case No. -159 Year- 2017 Thana -RAHUI District- NALANDA
(BIHARSHARIFF)

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Amit Kumar, Son of Madhusudan Prasad, resident of B/14, Bashistha Colony, Harnichak, P.O. Anisabad, P.S. Phulwari Sharif, District-Patna

.... Petitioner/s

Versus

The State of Bihar Through Vigilance

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Soni Shrivastava

For the Opposite Party/s : Mr. Ramakant Sharma (L.O., Inc., Vigilance)
with
Mr. Kedar Singh

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

3 24-11-2017 Heard the parties.

Petitioner seeks pre arrest bail in Special Case No.40/17 arising out of Rahui (Biharsharif) P.S.Case No.159/17 for the offences under Sections 409, 419, 420, 34, 120 (B) of I.P.C.

Accusation is that under the Manrega Scheme No.2 of 2014-15 Rs.8,46,900/- was estimated for earth filling, brick soling and construction of the drain in between Transformer of Village-Iqbalganj to Devi Sthan, Rahui through the house of Kapil Yadav. On the instruction of the District Magistrate, Nalanda, technical inspection of the work was done. According to the measurement book only work worth Rs.6,80,699/- was done and payment of Rs.6,14,139/- was made on completion of the work. In course of



inspection on the basis of preparation of estimate by the petitioner in the year 2017 it was detected that the no sand filling was done and the brick soling was found not done according to specification and the drain in the length of 78' was also found damaged for which the concerned engineers are liable.

Learned counsel for the petitioner has submitted that the petitioner is Panchayat Technical Assistant and he has no duty of execution of the work. Moreover, Junior Engineer who is said to be responsible in enquiry report has already been granted privilege of pre arrest bail by a coordinate Bench vide order dated 28.08.2017 passed in Cr.Misc. No.39954/17.

Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within six weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of Special Judge, Vigilance-1, Patna, in Special Case No.40/17 arising out of Rahui (Biharsharif) P.S. Case No.159/17 subject to the conditions as laid down under Section 438(2) of Cr.P.C.

(Rajendra Kumar Mishra, J)

AnilKrSinha/-

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