

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60792 of 2017

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

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Prem Shanakar Prasad Yadav, Ex-Junior Engineer, presently posted as Assistant Engineer, Samgra Yojna & Project Preparation Mandal-02, Patna, son of late Hari Charan Prasad Yadav, resident of Krishnapuri Colony, Ward No. 5, near Check Post, P.s. Mufassil Betiah, District West Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur
Mr. Malay Kumar Choudhary
Ms. Babita Kumari

For the Opposite Party/s : Mr. Anant Kumar

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 19-12-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Dumra P.S.
Case No. 332/2016 for offences punishable under Sections 420,
409/34 of the Indian Penal Code.

The prosecution case is that the contract work was
given to M/s Brahmputra Infrastructure Ltd. for strengthening of
river embankment and it was detected that payments were made
by the Executive Engineer without the approval of the Chief
Engineer.

It has been submitted by the learned counsel for the



petitioner that payments were made on the directions of the Executive Engineer and the petitioner in the capacity of Junior Engineer was only entrusted with the work of measurement and entering it in the measurement book. He submits that some of the junior engineers have been granted privilege of bail by coordinate Benches of this Court in Cr. Misc. No. 53656 of 2017 on 09.11.2017 and Cr. Misc. No. 56588 of 2017 on 01.12.2017 and petitioner is languishing in judicial custody since 11.11.2017.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi, in connection with Dumra P.S. Case No. 332/2016, subject to the conditions that:

- (1) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (2) The petitioner will not induce any witness or tamper with the evidence.



(3) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

(Nilu Agrawal, J)

Rajesh/-

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