

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34507 of 2017

Arising Out of PS.Case No. -63 Year- 2014 Thana -DAWATH District- SASARAM (ROHTAS)

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Yugal Kishore @ Yugal Kishore Yadav Son of Baldeo Yadav (Junior Engineer R.W.D.2 Sasaram), R/o Village- Shekhwara, P.S.- Zindapur, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gauri Shankar Prasad, Adv.

For the Opposite Party/s : Mr. Arun Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 10-08-2017 Heard both sides.

The petitioner apprehends his arrest in Dawath P.S. Case No. 63/2014, registered for the offences punishable under Sections 409, 120B and 34 of the Indian Penal Code.

1488 ft. of road was to be constructed under BRGF scheme no. 4/2010-11 and scheme no. 4/2011-12 in village Parmanpur. At the time of inspection, it was found that only 810 ft. of road was constructed and 678 ft. of road was not constructed, but the construction of entire road was measured in the measurement book and the entire amount was also withdrawn. It was found that the Panchayat Secretary, Junior Engineer (petitioner) and Rajendra Prasad Assistant Engineer collectively



defalcated the entire amount.

Learned counsel for the petitioner submits that the petitioner is Junior Engineer. At the time of inspection, construction of road was not of course, completed, but later on, work was substantially completed and on the basis of aforesaid fact, Panchayat Secretary Dinanath Singh was granted regular bail vide order dated 08.11.2016 passed in Cr. Misc. 40005/2016. The case of the petitioner stands on the same footing.

Learned A.P.P. opposed the prayer for anticipatory bail of the petitioner.

It appears that the petitioner being Junior Engineer made entry in measurement book about the completion of the entire road measuring 1488 ft. and the entire amount was withdrawn, but on the date of inspection, 678 ft. of road was found not constructed. Prayer for anticipatory bail of Assistant Engineer and Dinanath Singh Panchayat Secretary was earlier rejected vide order passed in Cr. Misc. 39086/2016 and Cr. Misc. 26819/2016.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner above-named on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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