

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49702 of 2017

Arising Out of PS.Case No. -46 Year- 2013 Thana -HARNAUT District- NALANDA
(BIHARSHARIFF)

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Sanjay Kumar son of Sri Surendra Prasad Sinha, resident of Village-
Basantpur, P.S. Righa, District- Sitamarhi, the then Assistant Engineer,
Rural Works Division, Biharsharif.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar

For the Opposite Party/s : Mr. Sunil Kumar Pandey

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 14-12-2017 Heard the learned counsel for the petitioner as well as

the learned A.P.P. for the state.

In this application for anticipatory bail the petitioner apprehends his arrest in connection with Harnaut P.S. Case No. 46 of 2013 for the offences punishable under sections 409 and 420 of the I.P.C.

Allegedly, the petitioner being the then Assistant Engineer, Rural Works Division, Biharsharif was handed over advance of Rs. 5,98,000/- for six schemes. The said schemes have not been completed and Rs. 4,18000/- was shown out standing against the petitioner for which several letters have been given to him but neither he had completed the said schemes nor he had returned the government money.

Submission is of false implication, the petitioner has



received advance for six schemes, he has used the said amount in completion of the schemes, the allegation of withdrawal of money has been shown in the month of June, 2007, whereas, the instant case has been instituted in the month of March, 2013, on the same allegation two different cases have been lodged and in one of the case the petitioner has been granted anticipatory bail by this Court vide Cr. Misc. No. 18436 of 2016 and thus for the same allegation the petitioner cannot be held liable again in this case.

The learned A.P.P. opposes prayer for pre-arrest bail of the petitioner by submitting that the petitioner is involved in several cases.

In the facts and circumstances stated above, considering that the matter relates to pure simple accounting and as such the petitioner, in case of his arrest or surrender within a period of four weeks from the date of receipt/production of a copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of A.C.J.M- Cum- Sub. Judge-III, Biharsharif, Nalanda in connection with the aforementioned case, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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