

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.18519 of 2018

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

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Devanand Kumar @ Devanand Kuwar, S/o Late Shivnandan Prasad Kumar,
R/o Village- Jhandapur, P.S.- Bihpur, District- Bhagalpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Shakti Suman Kumar, Advocate

For the Opposite Party/s : Mr. Ashok Kumar

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 06-04-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection
with Dumra P.S. Case No. 332 of 2016 registered under Sections
420, 409 read with 34 of the Indian Penal Code.

It is submitted by the learned counsel for the
petitioner that the main allegation against the petitioner is with
regard to payment of 3rd running bill to 14th running bill which
was paid between the period 20.12.2012 and 30.01.2014 without
sanction from the competent authority. It is alleged that during



this period, the petitioner was posted as the Superintending Engineer. However, as a matter of fact, the petitioner was on leave between 08.12.2012 and continued on leave till 27.01.2013. He gave his joining on 28.01.2013 and during the relevant period charge was handed over to Sri Basukinath Prasad, who was posted as Superintending Engineer with the permission of the Chief Engineer, Water Resources Department. It is further submitted that on the basis of same set of allegations, a departmental proceeding was initiated against the petitioner after serving memo of charges in Prapatra-‘Ka’. The petitioner appeared in the said proceeding and submitted his reply. The Inquiry Officer accepted the reply submitted by the petitioner and opined that during the relevant period, Sri Basukinath Prasad was Incharge of the Superintending Engineer and he was responsible for the payment made without sanction from the competent authority. The enquiry report exonerating the petitioner has been accepted by the disciplinary authority i.e. the Minister of the Department. It is also submitted that by now the petitioner has already superannuated and is suffering from cancer.

Learned counsel for the State opposed the application for grant of pre-arrest bail to the petitioner.



However, after going through the record, he did not dispute the fact that on the same set of charges in the inquiry conducted by the Inquiry Officer allegations were not found true against him.

Having regard to the nature of allegation and the submissions made above, in the event of arrest or surrender in the court below within six weeks from today, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi in connection with Dumra P.S. Case No. 332 of 2016 subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Ashwani Kumar Singh, J.)

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