

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46337 of 2018

Arising Out of P.S.Case No. -89 Year- 2017 Thana -DHANSORI District- BUXAR

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Shashi Bhushan Pathak S/o Late Shambhu Narayan Pathak, R/o Vill.-
Nagwan, P.S.- Dubhar, District- Baliya, U.P. Presently posted as Junior
Engineer Rural Works Dept. Distt.- Buxar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar, Advocate

For the Opposite Party/s : Mr. Panchanand Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 05-09-2018 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner apprehends arrest in connection with
Dhansoi P.S.Case No.89 of 2017 pending in the Court of ACJM-
III, Buxar registered for an offence under Sections 417, 423 and
466/34 of the IPC.

3. Petitioner has filed this anticipatory bail application
for the second time on the ground that similarly situated co-
accuseds in another case have been allowed anticipatory bail by
other coordinate Benches in Cr.Misc.No.53781 of 2017 and 48448
of 2017. The said co-accuseds have been granted bail subject to
deposit of Rs.50,000/- each in the Government Treasury towards
alleged embezzled amount. It has been further submitted that in



subsequent measurement, in course of investigation, the work was found completed. The case of this petitioner stands on similar footing to the other co-accused who have been allowed anticipatory bail.

4. The learned APP opposed the submissions.

5. On perusal of record, it appears that the anticipatory bail prayer of this petitioner was rejected on 21.08.2017 in Cr.Misc.No.39471 of 2017 considering the fact that this petitioner was found responsible for excess payment on account of wrong measurement submitted by him in the capacity of Junior Engineer. The matter was enquired by the committee and it was found that this petitioner had not measured the work properly rather submitted report of completion of work for an area which was more than actual construction. The committee recommended to recover the amount of Rs.1,46,415/- from the Mukhiya and Panchayat Secretary which was paid on the basis of report of the petitioner.

6. In view of above facts, I am not inclined to reconsider the anticipatory bail prayer of the petitioner. Prayer is again rejected.

(Sanjay Kumar, J)

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