

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.9190 of 2018

Arising Out of PS. Case No.-481 Year-2017 Thana- ARA NAGAR District- Bhojpur

Ramanand Ram S/o Tengari Ram, R/o Village- Balli -pur, P.S.- Bhagwanpur,
District- Kaimur at Bhabua ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Ramakant Ram, Adv.

For the Opposite Party : Mr. DR. Ajeet Kumar, APP 94

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

3 26-03-2018

Heard the parties.

This is a petition for grant of anticipatory bail for offences under Sections 406, 409, 420, 467, 468, 471 and 120B/34 of the Indian Penal Code.

Allegation in the written report is that the petitioner with other engineers has caused loss to Government exchequer by passing wrong bills with regard to the construction of Ara Collectorate and five Court and ten Court buildings as a result of which the contractor received excess payment without deduction of royalty to the tune of crores of rupees as mentioned in the written report. In paragraph 2 of the letter, dated 15.04.2015, written by the Executive Engineer to Superintending Engineer, enclosed with the written report, it is mentioned that some bills were prepared by this petitioner. Learned counsel for the petitioner has submitted that the petitioner has joined in Ara on 08.08.2012. He was entrusted to look after the construction work of the buildings. He made measurement and prepared bills no. 8, 9 and 10 and submitted to



the Assistant Engineer, under whom he was working as Junior Engineer. Learned counsel for the petitioner has made statement in paragraph 8 of the bail petition that measurement and bill was submitted by the petitioner on correct measurement, which was manipulated by the Executive Engineer by putting his own signature and this wrong was not detected by Sanjay Kumar, the Junior Engineer who prepared 11th bill.

From the allegation made in the written report itself and the statement made by the petitioner in paragraph 8, this Court finds that due to laches of this petitioner and other accused persons as named in the written report the excess payment has been made to the contractor without deducting the royalty.

Therefore, this Court is not inclined to grant anticipatory bail to the petitioner. The prayer for anticipatory bail is **rejected**.

The petitioner may surrender and pray for regular bail before the Court below which would be decided without being prejudiced of this order.

(Sanjay Priya, J)

Shamshad/-

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