

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8584 of 2018

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

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1. Jawahar Lal Singh Son of late Gulab Chandra Prasad Singh Resident of Village Majhauri, P.O. Kowath, P.S. Dawath, District Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nilesh Kumar

For the Opposite Party/s : Mr. Sri Shailendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 26-03-2018 Heard learned counsel for the petitioner as well as the State.

The petitioner apprehends his arrest in Dumra P.S. Case No. 332/2016 instituted for the offences under Sections 420, and 409/34 of the Indian Penal Code.

Learned counsel for the petitioner has submitted that he was posted as Junior Engineer at the relevant time. He retired from service on 30.11.2015. The F.I.R. has been instituted after his retirement on 19.12.2016.

In the written report, it is alleged that Executive Engineer made payment to the contractor excess to the lead without approval of the Chief Engineer, which was irregular payment, causing loss to the government. Technical Cell has also found that the earth were brought on the embankment from the toe area or from



the distance within 25 meters or from other distance.

Learned counsel for the petitioner has submitted that the petitioner is junior engineer and he has no concern with the heightening or strengthening of the embankment as per agreement entered into between Executive Engineer and the Contractor. So far as the payment on the basis of lead is concerned, it is connected with the office of the Executive Engineer. It was duty of the Executive Engineer to obtain permission of Chief Engineer for making any payment of lead. The petitioner has no role to play. Temporary compensation amount was paid to the farmers from the office of the Executive Engineer in which other junior technical officers have got nothing to do because the office of Executive Engineer has got its own personal office consisting of accountant, cashier, head clerk etc, who had to process the entire bill submitted by contractor. Further, it has been submitted that other junior engineers have already been granted anticipatory bail by different Benches of this Court vide order dated 21.08.2017 passed in Cr. Misc. No. 21604/2017 and order dated 21.12.2017 passed in Cr. Misc. No. 60301/2017.

Considering the facts and circumstances of the case, the prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with Dumra P.S. Case No. 332/2016, he shall be released on anticipatory bail on furnishing bail bond of Rs.



10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J.)

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