

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28270 of 2018

Arising Out of PS.Case No. -126 Year- 2017 Thana -MADHUBANI TOWN District-
MADHUBANI

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1. Ramanand Singh, son of Sri Gulzar Prasad Singh, resident of
Village/Mohalla- Saket Niwas, Lakhipur, P.S. Manpur, Distt. Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Sharma, Advocate

For the Opposite Party/s : Mr. Md. Sufiyan, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 02-07-2018

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner apprehends his arrest in **Madhubani Town P.S. Case No.126 of 2017** instituted for the offence under Section(s) 409, 467, 468, 477-A Indian Penal Code.

Counsel for the petitioner submits that the petitioner has retired from the service on 31.10.2007. First Information Report has been lodged in the year 2017. Work was completed as per Measurement Book. Thereafter, the petitioner has signed on the Cheque, which was handed over to the Contractor M/s Ram Janki Construction, who has completed the work. It is further submitted that payment was made by Cheque, which also finds mention in the enquiry report of the District Magistrate dated 7th



April, 2006, which is part of the First Information Report. Thereafter, matter was enquired by the Chief Engineer, which is also part of the First Information Report, wherein, it is mentioned that besides the petitioner, who was Executive Engineer, Contractor was also guilty for the aforesaid misappropriation, but First Information Report has been lodged only against this petitioner.

Learned counsel for the petitioner has further submitted that defalcated amount is Rs.150612/- and for the aforesaid demand, Rs.33,39,587.50 has been attached by way of one time recovery against the due amount of the petitioner under the heading of Rs.9,39,345.20 meant for gratuity, Rs.24,00,242/- meant for leave encashment and arrear of pension.

Counsel for the petitioner has enclosed Annexure-3 in support of his submission that the aforesaid amount has already been attached by the department from his retrial benefits.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with **Madhubani Town P.S. Case No.126 of 2017**, 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 **Chief Judicial Magistrate, Madhubani**, subject to the conditions as laid down under Section 438(2) 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 his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond and (3) if petitioner tampers 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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