

**IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37942 of 2018**

Arising Out of PS.Case No. -142 Year- 2018 Thana -
AURANGABAD TOWN District- AURANGABAD

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Narayan Choudhary S/o Late Shital Choudhary, R/o Vill.-
Moh Ashiana Nagar Friends Colony, Patna, P.S.- Rajeev
Nagar, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Sri Amitesh Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 19-07-2018 The petitioner seeks bail in anticipation of his arrest in connection with Nagar P.S. Case No. 142 of 2018 dated 05.05.2018 instituted for the offences under Sections 420, 409, 34 of the Indian Penal Code.

The subject F.I.R was registered on the instructions of District Magistrate with the allegation that the construction of 'D' type government quarters was not carried out in accordance with the scheme and in the process, money was misappropriated. As such, F.I.R was lodged against the contractor and the engineers of all categories who were involved in the construction of the aforesaid building.

Mr. Dinu Kumar, learned advocate for the petitioner has drawn the attention of this Court to the report of the District Magistrate which is the basis for lodging of the F.I.R.



In the aforesaid report, there is no mention of the name of the petitioner; rather two other Executive Engineers were found to be irregular in conducting their work. The building was constructed sometimes in the month of February, 2016 and the petitioner had joined as Executive Engineer in the aforesaid division in the month of May, 2016. At no point of time, it has been argued, the petitioner was involved in the construction of the aforesaid building in which the irregularity was found. The petitioner has now retired also.

Considering the aforesaid facts, the petitioner above named, in the event of his arrest or surrender before learned Court below within a period of four weeks from today, is directed to be released on bail on his furnishing bail bonds of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Aurangabad Town P.S. Case No. 142 of 2018, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashutosh Kumar, J)

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