

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63883 of 2018

Arising Out of PS. Case No.-209 Year-2010 Thana- MINAPUR District- Muzaffarpur

Umesh Narayan Singh @ Umesh Narain Singh, S/o Late Shyam Phal Singh,
R/o Resident of Village+P.O.- Shekhpur Mohalla Umesh Nagar
(Suryamashram), P.S.- Ahiyapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Patanjali Rishi, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

2 06-12-2018 Heard learned counsel for the petitioner as well as
learned A.P.P.

The petitioner apprehends his arrest in Minapur P.S.
Case No. 209/2010, registered for the offences punishable under
Sections 406, 420, 409 and 34 of the Indian Penal Code.

As per direction of the Commissioner Tirhut Division
before whom complaint was made by the Up-Mukhia along
with 09 ward members regarding the malpractices having been
adopted during course of execution of item no. 1/2006-07 which
was earlier executed under item no. 61/2004-05, the S.D.M.
Muzaffarpur (East) had conducted an enquiry, submitted
enquiry report and as per direction of the then District
Magistrate instant case has been registered. From the order



impugned, it is evident that earlier case was closed on account of filing of final report at the end of Investigating Officer. Subsequently thereof, re-investigation commenced as per direction of the Lokayukta even then, the Sr. Superintendent of Police Muzaffarpur has directed to close as, nothing substantial found.

From the inspection report furnished by the S.D.M. Muzaffarpur (East) and different annexure of the written report, it is evident that item no. 61/2004-05 was already executed and with regard to item no. 1/2006-07 no money has been withdrawn. In likewise manner, item no. 6/2004-05, the work has already been completed.

Considering the aforesaid event, petitioner Umesh Narayan Singh @ Umesh Narain Singh in the event of arrest or surrender within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on 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, Muzaffarpur in connection with Minapur P.S. Case No. 209/2010, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



The aforesaid order will be subject to outcome of
Constitution Bench decision of the Apex Court relating to
Sushila Aggarwal & Ors. vs. State (NCT of Delhi) & Anr.
reported in (2018) 7 Supreme Court Cases page 731.

(Aditya Kumar Trivedi, J)

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