

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63067 of 2018

Arising Out of PS. Case No.-40 Year-2018 Thana- RATANPUR District- Supaul

Jagannath Singh, Son of Late Yugeshwar Singh, Resident of Village- Narar,
P.S.- Khajauli, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. M. Kumar, Advocate
		Mr. Anil Kumar, Advocate
For the Opposite Party/s	:	Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 11-12-2018 Heard learned counsel for the petitioner and the
learned counsel appearing on behalf of the State.

The petitioner, being the Executive Engineer, is apprehending his arrest in connection with Ratanpura P.S. Case No.40 of 2018 for allegedly having committed the offence under Sections 406, 409, 420 and 120B of the Indian Penal Code.

Learned counsel for the petitioner submits that the entire responsibility of the damages could not have been fastened on the shoulder of the petitioner and the allegations as made out in the FIR do not make a case against him. It is further submitted that the report, which has been submitted for preventing completion of the work, is also not based on



any cogent evidence and the petitioner has been roped in connection with the present case, even though he has superannuated in the year 2013 itself. It is further submitted that several reports from various authorities state that the villagers had been responsible for cutting the *Bandh*, which was causing serious damages to the sub-canal. However, between 2013-15 itself, no steps were taken and the entire responsibility was fastened on the shoulder of the petitioner. He thus submits that under such circumstances, the petitioner may be extended the privilege of pre-arrest bail as he has already superannuated five years back. It is further submitted that the petitioner will co-operate in whatever investigation and shall present himself as and when required before the concerned court.

Considering the aforementioned facts and circumstances and after hearing learned counsel for the State and taking into consideration all materials, which have been annexed with the anticipatory bail application, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released 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 Sub-Divisional Judicial Magistrate, Birpur, in connection with Ratanpura P.S. Case No.40 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that the petitioner shall appear as and when required before the court below and the investigating authorities, failing which it shall be open for the authorities to move for cancellation of bail.

(Anjana Mishra, J)

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