

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.72987 of 2018

Arising Out of PS. Case No.-239 Year-2018 Thana- BARHARA District- Bhojpur

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1. Mithilesh Kumar Ram son of Shri Kameshwar Ram, resident of Mahavir Nagar Road- 2 Chandwa P.S. Ara Nawada District Bhojpur at present the then Junior Engineer at present posted at PWD Department, Buxar.
 2. Umanath Sah, son of Shri Ramashish Ram, resident of Nath Bhawan North to D.R.M. Office Gadikhana Dinapur cum Khagaul P.S. Khagaul District Patna the then Assistant Engineer PWD Department Barhara, Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Mithilesh Kumar Khare

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 18-12-2018 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Barhara P.S. Case No. 239 of 2018, disclosing offence under Sections 406, 409 and 34 of the Indian Penal Code.

There is allegation that the amount, made available for construction of toilets by Mahila Dugdha Utpadan Samiti, Fuhan, has been misappropriated. Petitioner No. 1 is Junior Engineer and remained posted in the concerned area from 21.08.2014 to 08.09.2016, whereas petitioner No.2, who is an Assistant Engineer, remained posted there from 09.07.2003 to



09.07.2007.

Learned counsel appearing for the petitioners has submitted that the First Information Report does not indicate as to how the petitioners are involved in the criminal case, i.e., what act or omission has been attributed to them.

Considering the above, this application is allowed. The petitioners, above named, in the event of their arrest or surrender before the Court within six weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M. at Ara, in connection with Barhara P.S. Case No. 239 of 2018, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Pawan/Ragini

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