

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10901 of 2018

Arising Out of PS. Case No.-25 Year-2007 Thana- SHEIKHOPUR SARAI District-
Sheikhpura

=====

Binit Kumar, S/o Suraj Prasad Singh, R/o House No.15, Road No.02, White House Compound, PS Rampur, District Gaya, Presently residing at Surya Niwas, Tilha Mahavir Asthan, Beldari Tola, P.S.- Civil Line, Dist- Gaya.

... .. Petitioner/s

Versus

The State of Bihar through Vigilance, Bihar, Patna.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Shri Prakash Tiwari

For the Opposite Party/s : Mr. Ramakant Sharma(L.O.,I/C. Vigi)

=====

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

4 27-04-2018 Heard learned counsel for the petitioner and the learned counsel appearing on behalf of the Vigilance.

Petitioner, already in custody, seeks bail in connection with Sheikhopur Sarai PS Case No.25 of 2007, giving rise to Special Case No.30 of 2009, registered under Sections 409, 420 and 120(B) of the Indian Penal Code as well as under Section 13(2) read with Section 13(1)(d) of the P.C. Act.

Allegation in brief is that the petitioner, Assistant Engineer, in the Rural Development Department did not completely execute the work and defalcated Rs.2,94,439/- out of Rs.4,51,000/- taken in advance for completion of the project.

Learned counsel for the petitioner submits that no defalcation has been done by the petitioner, he had completed



the work and submitted Measurement Book, this petitioner was granted provisional bail for the marriage of his daughter but on account of mental unrest and being apprehended in another case lodged in Jabalpur, after two years sent to judicial custody and remanded in this case on 30.07.2015, since then he has been in custody and out of ten prosecution witnesses, eight have been examined and the last witness examined in this case on 22.04.2017, thereafter none of the prosecution witnesses have turned up.

Having considered the aforesaid facts and circumstances, in particular period of custody and the prosecution witnesses not turning up for approximately a year, petitioner Binit Kumar is directed to be released on bail on furnishing bail bond of Rs.50,000/- (fifty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Vigilance II, Patna in connection with Sheikhopur Sarai PS Case No.25 of 2007, giving rise to Special Case No.30 of 2009 with the following conditions:

(1) One of the bailors must be the close family member of the petitioner.

(2) The petitioner shall remain physically present on each and every date before the trial court as and when required



and if he absents himself on two consecutive dates without any
reasonable cause, his bail bond shall liable to be cancelled.

(Arun Kumar, J)

S.KUMAR/-

U		T	
---	--	---	--

