

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50595 of 2018

Arising Out of PS.Case No. -53 Year- 2016 Thana -VALMIKINAGAR District-
WESTCHAMPARAN(BETTIAH)

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1. Subodh Sharma @ Subodh Prasad Sharma, S/o Late Kapildeo Sharma,
Assistant Engineer Gandak (Baraj), Resident of Village- Mapho, P.S.
Mahush, District- Sheikhpura.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jai Prakash Singh, Advocate

For the Opposite Party/s : Mr. S.M. Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 26-09-2018

Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 287/468/471 of the Indian Penal Code and Section 3 of the Prevention of Damage to Property Act.

The allegation is that the petitioner and others, who were given the work of noting down the height of the flow of water of Gandak Baraj, Valmikinagar, derelicted in their duties and on account of negligence of the accused persons, excess water had flown through one of the gates causing damage to the public property.



Learned counsel for the petitioner submits that specific responsibility is not assignable nor the assessment of damage is alleged. This may be a case of negligence in discharge of official duty and not a case of criminal liability. Most of the co-accused have been allowed anticipatory bail by different coordinate Benches of this Court.

Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court-below where the case is pending in connection with Balmiki Nagar Police Station Case No. 53 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the petitioner shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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