

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50127 of 2017

Arising Out of PS.Case No. -62 Year- 2007 Thana -BARBIGHA District- SEKHPURA

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Binit Kumar (Assistant Engineer, Rural Development Special Division, Sheikhpura, P.S.+District-Sheikhpura), Son of Suraj Prasad, R/o House No.15, Road No.2, White House Compound, Gaya/Road No.5, Shivpuri Colony, Katari Hill Road, Gaya, presently residing at Surya Niwas, Tihla Mahavir Asthan, Beldari Tola, P.S.-Civil Line, District-Gaya.

.... Petitioner

Versus

1. The State of Bihar.
2. The State of Bihar through Vigilance, Bihar, Patna.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Shri Prakash Tiwari, Adv.

For the Opposite Party/s : Mr. Sri Brajendra Nath Pandey, APP.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 03-01-2018 Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 409,420 & 120(B) of the Indian Penal Code and Section 13(2) read with Section 13(1)(d) of the P.C.Act.

The petitioner was Assistant Engineer in the Rural Development Special Division, Sheikhpura when the allegation of defalcation of public money was levelled against the petitioner.

Submission of the learned counsel for the petitioner is that the petitioner is in custody since 30.07.2015. The



trial is still pending and the petitioner has produced document to support that every penny was spent in the Government Scheme and in fact there is no defalcation.

Learned counsel for the Vigilance opposed the prayer for bail on the ground that in the past, the petitioner was allowed provisional bail. However, he did not surrender within the time granted by the Court.

Considering the nature of allegation and the period already undergone by the petitioner, let the petitioner, above named, 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 learned Court below where the case is pending in connection with Special Case No.29 of 2009 arising out of Sheikhpura (Barbiga) Police Station Case No.62 of 2007, subject to the condition that the petitioner shall fully cooperate with the investigation and 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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