

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.71328 of 2018

Arising Out of PS. Case No.-74 Year-2018 Thana- DHURAIYA District- Banka

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1. Anil Kumar, Son of Shri Rudra Narayan Paswan, Resident of Arwa, P.O.+P.S.- Bachwara, District- Begusarai (Bihar).
 2. Paras Paswan Son of Late Jai Mangal Das, Resident of Mohalla- Rajiv Nagar, Road No.- 25B, P.O.- Kesheri Nagar, P.S.- Rajiv Nagar, District- Patna (Bihar).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rai Mukesh Sharma, Adv

For the Opposite Party/s : Mr. Sri Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

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

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 409/420 of the Indian Penal Code.

Allegation is that the FIR named accused person including the then Executive Engineer, Irrigation Department, Bounsi made payment to the contractor excess than the work done for the year 2008-09 in the matter of construction of Hirambi Weir (Bandh) on the Rakauli river in Dhuraiya Block.

Submission is that said contractor had brought the matter before the Arbitration Tribunal and the Tribunal found the referred amount as due with the department of the said



contractor in the matter of same work. Therefore, there is no question of excess payment of amount. Moreover, the petitioners were Account Officer and it is not their business to report about the work performance. Co-accused-Nakul Kumar Mishra and Surendra Prasad Yadav have already been allowed anticipatory bail by a Coordinate Bench of this Court vide Annexure-3.

Considering the aforesaid facts, let the petitioners, above named, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Dhuraiya P.S.Case No. 74 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and further the petitioners 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 petitioners.

(Birendra Kumar, J)

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