

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12288 of 2018

Arising Out of PS.Case No. -61 Year- 2016 Thana -SARAIYA District- MUZAFFARPUR

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Md. Jahangir Alam @ Md. Jahangir, S/o Sakoor Miyan @ Sakun Miyan,
R/o Village- Basantpur Patti, P.S.- Saraiya, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate.

For the Opposite Party/s : Smt Indu Kumari Srivastava, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 09-04-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Saraiya P.S.**

Case No. 61 of 2016 instituted for the offence under Sections 406,
409 and 420 of the Indian Penal Code.

Learned counsel for the petitioner has submitted that
Petitioner was alleged to be Mukhiya of Panchayat. There is
allegation that one Culvert constructed at the cost of Rs.1,98,000/-
in the financial year 2011-12 collapsed on 12.08.2014. There was
use of sub-standard bricks, cement, sand etc. The First
Information Report has been lodged against this petitioner in the
year 2016. It has further been submitted that petitioner being
Mukhiya of the Panchayat has no concern with the construction of
Culvert. The contractor was Ravi Kant Prasad, the then Rozgar



Sewak. The quality was monitored by Junior Engineer. He also entered the construction work in measurement book. Petitioner was not at all concerned with construction of the aforesaid Culvert. He was Mukhiya of Panchayat. He was only Joint Signatory on the cheque in question. The responsibility of ensuring the availability of good quality of construction material was on the Contractor, the Programme Officer and the Engineer.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with **Saraiya P.S. Case No. 61 of 2016**, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of **learned Sub Divisional Judicial Magistrate, Muzaffarpur**, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond and (3) if petitioner tampers with the evidence or the



witnesses of the case, in that case, prosecution will be at liberty to
move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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