

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39848 of 2018

Arising Out of PS. Case No.-178 Year-2018 Thana- SHERGHATI District- Gaya

Ajay Kumar Son of Chandeshwar Prasad Singh Resident of Village-
Sarkanda, P.S. Gobindpur, Distt. Nawada. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar

For the Opposite Party/s : Mr. Sri Rajendra Prasad Nat

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 11-12-2018 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

Petitioner is apprehending arrest in connection
Sherghati P.S. Case No. 178 of 2018 for the offence under
sections 409, 420, 120/34 of the Indian Penal Code.

Mr. Amarnath Singh, learned counsel appearing on
behalf of the petitioner submits that petitioner has no criminal
antecedent.

During the tenure of the petitioner, Nagar Parishad,
Sherghati has floated tender in the newspaper and certain items
were purchased after settling the tender. He submits that practice
of E-tender was introduced in 2016. Prior to 2016 tender
process was by publication of tender notice in the newspaper
which was followed in connection with purchase in the instant
case. The petitioner remained posted as Block Development



Officer from 14.5.2015 to 16.5.2016. Payment in connection with the purchase was made by his successor BDO.

He further submits that in the process of payment, five per cent was deducted following the departmental norms. Referring to the aforesaid facts and circumstances, he submits although there is no departure from the departmental norms in the matter of purchase yet assuming for argument sake that there was some departure in the process of purchase that itself cannot be taken as embezzlement .

Learned APP submits that in the instant case petitioner has not adhered to E-tender process and therefore, he is accountable.

Considering the totality of the facts situation and also the fact that the petitioner has no criminal antecedent, the Court noticing the allegation in the instant case is only departure from the settled norms which itself cannot be construed as embezzlement, the court is inclined to grant bail to the petitioner and as such the petitioner named above, is directed to be released on bail in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like



amount each to the satisfaction of learned A.C.J.M., Sherghati,
Gaya, in connection with Sherghati P.S. Case No. 178 of 2018
subject to the condition as laid down under section 438(2) of the
Cr.P.C.

(Anil Kumar Upadhyay, J)

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