

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.58672 of 2017**

Arising Out of PS.Case No. -126 Year- 2012 Thana -KHARAGPUR District- MUNGER

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Kameshwar Singh, Son of Late Suraj Singh @ Late Surjit Singh, resident of Village- Sahuwan, P.O.- Dumari (Sahpur), P.S.- Shiv Sagar, District- Rohtas.

.... .... Petitioner/s

Versus

The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Bhim Kumar Yadav

For the Opposite Party/s : Mr. Damodar Prasad Tiwary

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

3      04-01-2018      Heard the learned counsel for the petitioner and learned counsel for the State.

The petitioner seeks anticipatory bail in connection with Kharagpur PS case no. 126 of 2012 dated 22.6.2012 registered for the offences punishable under Sections 406, 409, 420, 465, 468, 470, and 120(B)/34 of the Indian Penal Code.

The allegation is with regard to award of a contract to one Pramod Kumar Verma (Contractor) for constructing Government building in Dariyapur Panchayat and the value of the said tender is a sum of Rs. 44,36,917/- approximately. It is the allegation of the informant that the said contractor in connivance with the Junior Engineer ( petitioner herein), Assistant Engineer and the Executive Engineer, namely, Om Nath Choudhary had defalcated a sum of



Rs. 23,84,817/- approximately without completing the work.

The learned counsel for the petitioner submits that the petitioner is a lowest officer in the rank and whatever complicity in the matter is there, is on the head of the contractor and the Assistant Engineer as well as the Executive Engineer. It is further submitted that the petitioner has no complicity in the alleged occurrence and he had merely prepared a M.B. book and was transferred to another place prior to completion of the work.

The learned A.P.P. appearing for the State submits that the present case is a serious case of defalcation and none of the accused persons are co-operating with the investigating agency, hence the petitioner is not entitled to the privilege of anticipatory bail.

At this juncture, the learned counsel for the petitioner submits that the petitioner is ready to co-operate with the investigation and he is ready to be present at any place where he is called upon for the purposes of investigation by the informant/ investigating agency.

Considering the facts and circumstances of the case, more particularly the fact that the petitioner is a government servant and there is no likelihood of him fleeing away from either the investigation or as well as the fact that he has a clean antecedent



and he is ready to join in investigation, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail.

Having regard to the facts and circumstances of the case, in the event of arrest or surrender within six weeks, the petitioner above named is directed to be released on anticipatory bail on furnishing bonds of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Munger in connection with Kharagpur PS case no. 126 of 2012, subject to the conditions laid down under Section 438(2) of Code of Criminal Procedure.

It is made clear that in case, if there is any default on the part of the petitioner either to be present on being called for investigation or he is reluctant to join the investigation or there is non-cooperation with the investigating agency, the prosecution/ the investigating agency will be free to approach this Court for cancellation of the privilege of anticipatory bail being extended to the petitioner.

**(Mohit Kumar Shah, J)**

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