

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.69394 of 2018

Arising Out of PS. Case No.-126 Year-2017 Thana- MADHUBANI TOWN District-
Madhubani

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Sudhir Kumar @ Sudhir Kumar Mahto, Son of Late Laxmi Narayan Mahto,
the then Junior Engineer Building Construction Department, Madhubani,
Resident of Naya Tola Sundarpur, P.O.- Lalbag, Police Station- L.N.M.
University, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghib Ahsan, Adv.

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 19-12-2018 Heard Mr. Raghib Ahsan, the learned senior

Advocate for the petitioner and Mr. Ram Priya Sharan Singh,

learned Advocate for the State.

The petitioner seeks bail in anticipation of his
arrest in connection with Madhubani Town P.S. Case No.
126 of 2017, dated 19.05.2017, instituted for the offences
under Sections 409, 467, 468 and 477(A) of the Indian



Penal Code.

The prosecution case is that a contractor, viz., M/s Ram Janki Construction was paid the cost of construction at the instance of the Executive Engineer, viz., Ramanand Singh without the work having been completed. As a result of the aforesaid payment, the Government was put to a loss of around Rs. 15,00,000/-.

Mr. Raghib Ahsan, the learned Senior Advocate appearing for the petitioner has submitted that the petitioner is not named in the F.I.R. and during the course of investigation, it came to light that the petitioner had passed the bill for Rs. 18,00,000/- in favour of the aforesaid construction company/M/s Ram Janki Construction. The F.I.R. has been lodged only against aforesaid Ramanand Singh, the Executive Engineer, who has has been granted anticipatory bail by a Bench of this Court *vide* order dated 20.07.2018 passed in Cr. Misc. No. 28270 of 2018. While granting anticipatory bail to aforesaid Ramanand Singh, the Bench took note of the fact as against the defalcated amount of Rs. 15,00,000/-, more than double the amount has been



attached by way of one time recovery from aforesaid Ramanand Singh.

Mr. Ahsan, the learned Senior Advocate, therefore, submits that there is no loss to the Government as of now. This Court has also been informed that the contractor has been granted bail by a Bench of this Court, the details of which have not been provided in the present petition.

The petitioner had passed the bill only at the instance of the Executive Engineer as he was duty bound to obey the directions of his superior officer. Presently, the petitioner is on the verge of retirement and he is posted as Junior Engineer in Building Construction Department, Darbhanga.

Considering the aforesaid set of facts, the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks from the date of receipt/production of a copy of the present order, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to



the satisfaction of learned Chief Judicial Magistrate,
Madhubani in connection with Town P.S. Case No. 126 of
2017, subject to the conditions laid down under Section
438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

Praveen-II/-

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