

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.65489 of 2018

Arising Out of PS. Case No.-82 Year-2017 Thana- MARAUNA District- Supaul

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1. Ram Kumar, the then Techincal Supervisor, Sarva Siksha Abhiyan Supaul, Son of Khushi Lal Yadav, R/o Village - Ward No. 10, Simraha, P.S.- Marauna, Distt.- Supaul.
 2. Pankaj Kumar, the then junior Engineer, Sarva Siksha Abhiyan Supaul, Son of Jagarnath Choudhary, R/o Village- Pahkha Tola, P.S. Kazi Mohammad pur, Distt.- Muzaffarpur.
- Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar
For the Opposite Party/s : Mr. Smt. Reena Sinha

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 13-12-2018 Heard learned counsel for the petitioners and the
counsel appearing on behalf of the State.

The petitioners are apprehending their arrest in connection with Marauna P.S. Case No. 82 of 2017 for the offence under Sections 406, 409, 420/34 the Indian Penal Code.

Learned counsel appearing on behalf of the petitioners submits that petitioners were Junior Engineers at the relevant time and after 8 years of construction they fastened accountability with regard to sub-standard material used in the construction. He further submits that area is flood affected area where construction damaged on account of flood. In view of the submission of petitioner regarding fixing accountability and



criminal case in the instant case is uncalled for as in the instant case Rs.9,39,800/- was spent over construction when inspection was conducted, after 8 years it was found that the building was damaged badly which indicates poor sub-standard of construction is only inference.

Considering the totality of the fact situation also the fact that petitioners have no criminal antecedent. The Court is inclined to grant privilege of anticipatory bail to the petitioners, let the petitioners above named, in the event of arrest or surrender within one month from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the Court of learned Chief Judicial Magistrate, Supaul, in connection with Marauna P.S. Case No. 82 of 201, subject to the conditions as laid down under Section 438 Cr.P.C. as also that the petitioners will deposit $\frac{1}{4}$ of the money involved in construction as security which would abide by the final outcome of the case.

(Anil Kumar Upadhyay, J)

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