

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38337 of 2018

Arising Out of PS. Case No.-142 Year-2018 Thana- AURANGABAD TOWN District-
Aurangabad

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Sarjun Prasad Gupta @ Arjun Prasad Gupta, Son of Late Moti Prasad Gupta,
Resident of Village- Shahar Telpar, P.S.- Karpi, District- Arwal.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rana Vikram Singh, Advocate

For the Opposite Party/s : Mr. Nand Kishore Pd, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 03-07-2018 Heard learned counsel for the petitioner and the

State.

The petitioner apprehends arrest in Aurangabad
Town P.S. Case No. 142 of 2018 instituted for the offence under
Sections 420,409 and 34 of the IPC.

Learned counsel for the petitioner submits that
petitioner is not named in the FIR. The matter was inquired by
the District Magistrate. The report of District Magistrate is part
of FIR, wherein, the name of the petitioner does not find place.
The District Magistrate in his report specifically directed the
Executive Engineer Building Construction, Aurangabad to lodge
an FIR and to take appropriate action against Contractor



Rajiv Ranjan, the then Junior Engineer Rana Pratap Mandal, Assistant Engineer Building Division Sarjun Prasad Gupta, Executive Engineer Building Division Aurangabad, Pramod Kumar Kamat and Narayan Choudhary as named in the enquiry report. But the Executive Engineer vide letter dated 03.10.2017 has illegally ignoring the enquiry report of the District Magistrate has removed the name of the then Assistant Engineer Shri Rakesh Kumar and the then Executive Engineer Awadh Kishor and incorporated the name of this petitioner in that place.

Learned counsel for the petitioner has pointed out about the enquiry report (Annexure-4), which is part of FIR, wherein, the name of this petitioner does not find place.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner, named above, in the event of his arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Aurangabad Town P.S. Case No. 142 of 2018 to the satisfaction of learned Chief Judicial Magistrate, Aurangabad, subject to condition as laid down u/S 438 (2) of the



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 dated fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bonds of the petitioner and (3) if the 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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