

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56645 of 2018

Arising Out of PS. Case No.-74 Year-2018 Thana- DHURAIYA District- Banka

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1. Nakul Kumar Mishra Son of Late Bhagwat Prasad Mishra Resident of Village - Akoria, P.S. Banka, District - Banka.
 2. Surendra Prasad Yadav Son of Late Kamli Prasad Yadav Resident of Village - Belutikar, P.S. Banka, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kamal Nayan Chaubey, Sr. Advocate Mr. Prashant Kumar, Advocate Mr. Dineshwar Pandey, Advocate Mr. Ashok Kumar Gang, Advocate
For the Opposite Party/s	:	Mr. Arun Kumar Pandey, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 10-10-2018 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners apprehend arrest in connection with
Dhoraiya P.S. Case No. 74/2018 for offences alleged under
Sections 409, 420 of the Indian Penal Code.

The prosecution case, as lodged by the informant
Executive Engineer, Irrigation Division, Bousi, Banka, is that
during the year 2008-09 on account of construction of bier in
Dhoraiya Block on Rakouli river, the flying squad had found
various irregularities in its enquiry and found that the engineers
connected with the said project on account of wrong
measurement had released excess funds to the contractors.



It has been submitted by the learned counsel for the petitioners that they were Accounts Clerk in the said division at Bousi and they were not responsible for taking work from the contractors and no irregularity has been committed by them with regard to the said project. He submits that petitioner no. 1 has retired in the year 2011 and petitioner no. 2 has retired in the year 2012 and after 6-7 years of their superannuation such false allegation has been made against them, who have unblemished career bearing no criminal antecedent.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioners, above named, in the event of their arrest or surrender before the court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka, in connection with Dhoraiya P.S. Case No. 74/2018, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nilu Agrawal, J)

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