

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18959 of 2018

Arising Out of PS.Case No. -235 Year- 2003 Thana -SA SARAM NAGAR District- SASARAM
(ROHTAS)

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1. Raj Kumar Singh, S/o Shivbachchan Singh, Resident of New Area,
Aurangabad (T), District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar, Through Vigilance, Bihar, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate

For the Opposite Party/s : Mr. Ramakant Sharma, L.O., I/C., Vigilance

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 25-04-2018

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner apprehends his arrest in **Sasaram**
Mufassil P.S. Case No.235 of 2003 instituted for the offence
under Section(s) 409, 420 Indian Penal Code.

In the written report lodged at the behest of Eknath
Sharma, the then Executive Engineer, Tube-well Division,
Sasaram, Camp Dehri, it is alleged that the work was allotted to
this petitioner and co-accused Jamuna Prasad, partners of M/s
Shakti Construction, New Area, Aurangabad, for construction
under the NAWARD Phase III government tube-well, Karma,
Sasaram. The work was for Rs.8,56,000/-. The accused Jamuna



Prasad and Raj Kumar Singh received Rs.8,70,000/- from the department, but they have not completed the work of Rs.5,14,000/-. It is also alleged that work of Rs.5,72,000/- under the NAWARD Phase III, government tube-well Chintamanpur, Block Sasaram, was also allotted to the accused, Dhananjay Kumar Singh, but the accused Dhananjay Kumar Singh did not complete the work of Rs.3,25,000/-. The accused Dhananjay Kumar Singh received Rs.8,72,000/- for the aforesaid work.

Supplementary Affidavit has been filed on behalf of the petitioner, wherein, it has been mentioned in para 3 that after lodging of the present First Information Report, the same Informant i.e. Executive Engineer, Tube Well Division, Sasaram Camp Dehri, sent a report to the Superintending Engineer, Tube-well Circle, Arrah, vide letter no.769 dated 03.08.2003 stating therein that the alleged work allotted to the firm of the petitioner was found complete and the work is awaiting final measurement. Aforesaid letter has been annexed as Annexure-3 to the Supplementary Affidavit.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with **Sasaram Mufassil P.S.**



Case No.235 of 2003, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the **Special Judge, Vigilance, 1st, Patna**, subject to the conditions as laid down under Section 438(2) 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 date fixed by the court and his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond and (3) if 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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