

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3014 of 2019

Arising Out of PS. Case No.-903 Year-2014 Thana- HAJIPUR District- Vaishali

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Sri Hem Lal Karn @ Hemchandra Lal Karn, son of Late Bishwanath Lal,
Resident of Mohalla- Chanakyanagar, Kankerbagh, PS- Agamkuan, Distt-
Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. J.P. Singh, Sr. Adv. Mr. Dipak Kumar Mr. Sailendra Kumar Singh
For the Opposite Party/s	:	Mr. Nawal Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 23-01-2019 Heard learned Senior Counsel for the petitioner and

learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Hajipur Town Police Station Case No. 903 of 2014, disclosing offences under Sections 406, 420, 467, 468 and 120B of the Indian Penal Code.

The petitioner is a Junior Engineer in Nagar Parishad, Hajipur. It is alleged that the Nagar Parishad got certain constructions executed departmentally without any tender in breach of the provisions of the Bihar Municipal Act, 2007.

Learned Senior Counsel appearing on behalf of the petitioner submits that there is no allegation of any



misappropriation of public money nor of fabrication of documents against the petitioner in the First Information Report, read with the report, on the basis of which the First Information Report has been registered. He has submitted that though, there is allegation that certain amount was given to the petitioner for execution of the construction work by the Nagar Parishad, but there is no allegation that the petitioner misappropriated the said amount for his own personal gain so as to constitute offence under Section 409 of the Indian Penal Code.

On perusal of the First Information Report, I find substance in the submission made on behalf of the petitioner.

Accordingly, this application is allowed.

Let the petitioner, above named, in the event of his arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Hajipur, in connection with Hajipur Town Police Station Case No. 903 of 2014, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as



and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

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