

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10574 of 2019

Arising Out of PS. Case No.-153 Year-2018 Thana- BANMANKHI District- Purnia

1. DHANPAT MODI Son of Late Surya Narayan Modi Resident of Mohalla-Ram Nagar, PS- K. Hat, Maranga, District- Purnea.
2. Jai Prakash Marandi Son of Saryu Prasad Manandi Resident of Village – Bhavipura, P.S. Haweli Kharagpur, District-Munger.
3. Raj Ballav Yadav, son of Late Sita Ram Yadav Resident of Village – Kumardeeh, Police Station-Makhdumpur, District-Jehanabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kumar

For the Opposite Party/s : Mr.Parmeshwar Mehta

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 15-05-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Banmankhi P.S. Case No.153 of 2018 registered under Sections 406, 420 and 409/34 of the Indian Penal Code.

The accusation is that in course of inquiry, it was detected that in the reconstruction work of East Koshi Canal under agreement dated 09.03.2010, the cement was not used in proper proportion and irregularity was also committed in the payment of the contractors with respect to the work of cutting the soil. At that time, the petitioner nos.1 and 2 were the Junior



Engineers and the petitioner no.3 was the Executive Engineer and were posted in the District-Araria, through which district, the East Koshi Canal also passes.

Learned counsel for the petitioners submits that from the list attached with the First Information Report, it would appear that the name of the petitioner nos.1 and 2 are shown as Junior Engineers, Irrigation Division, Araria and the name of the petitioner no.3 has been shown as Executive Engineer, Irrigation Division, Araria, and in their supervision the work was done at Kasba, Purnia, but during that period, Bimlendra Kumar, J.E., Mukesh Kumar Singh, A.E., and Jai Prakash Singh, Executive Engineer, were posted there and the work was done in their supervision, which would appear from the certificate issued on 20.09.2018 by the Executive Engineer, Irrigation Department, Araria (Annexure-2). Further submission is that in similar nature of cases, some co-accused has already been granted the privilege of pre-arrest bail by this Court vide order dated 13.03.2019 passed in Criminal Misc. No.75411 of 2018 with Criminal Misc. No.1948 of 2019.

Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender by them within six weeks from today, be



enlarged on bail on their furnishing bail bond of Rs.10,000/-
(Rupees Ten Thousand) each with two sureties of the like
amount each to the satisfaction of the Additional Chief Judicial
Magistrate-I, Purnea, in connection with Banmankhi P.S. Case
No.153 of 2018, subject to the conditions laid down under
Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

P.S./-

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