

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9235 of 2019

Arising Out of PS. Case No.-502 Year-2018 Thana- ARARIA District- Araria

SURESH MISTRY, Son of Bhailal Mistri, Resident of Village - Bari Sandalpur, PS, Munger Sadar, Dist. Munger

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Satya Prakash

For the Opposite Party/s : Mr.Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 24-04-2019 Petitioner seeks bail in anticipation of his arrest in connection with Araria P.S. Case No. 502 of 2018, registered for the offences punishable under Sections 406, 409, 420 and 34 of the Indian Penal Code.

Allegation as per FIR is that in the renovation of Eastern Kosi Canal there was defalcation of huge amount and allegation with respect to use of substandard materials in the project is against the several accused persons, including the petitioner, who was an Assistant Engineer at the relevant time.

Submission of learned counsel for the petitioner is that there is general allegation against him for using substandard materials, which is false and in support of his contention he has annexed Annexure-P-2 and the technical approval has been granted at the highest level and there is delay in lodging the FIR



and considering the aforesaid aspects of the matter, other co-accused persons have been granted anticipatory bail vide order dated 19.12.2018 passed in Cr.Misc.No. 73013 of 2018 and vide order dated 14.12.2018 passed in Cr.Misc.No. 62847 of 2018 (Annexures- P-6 & P-7) and also by this Court vide order dated 25.1.2019 passed in Cr.Misc.No. 75297 of 2018 with analogous case.

Heard learned APP also.

Having heard both sides and in the facts and circumstances, as stated above, let petitioner surrender within a period of six weeks from the receipt of this order and on surrender he shall be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Araria, in connection with Araria P.S.Case No. 502 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and further condition that one of the bailors of the petitioner shall be a local person having sufficient immovable properties within the jurisdiction of the court concerned and further condition is that he will co-operate in the investigation and appear as and when required, otherwise his bail bonds shall be cancelled. It is made clear that



if any serious material has come during investigation against the petitioner, the prosecution is given liberty to move for cancellation of his bail bonds.

(Vinod Kumar Sinha, J)

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