

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16603 of 2019

Arising Out of PS. Case No.-319 Year-2018 Thana- BIHPUR District- Bhagalpur

SHRI UMAKANT SINGH, aged about 65 years, Male, Son of Late Lok Nath Singh, Resident of Mohalla- Officer's Colony, Mirchai Bari, District- Katihar ... Petitioner

Versus

THE STATE OF BIHAR ... Opposite Party

Appearance :

For the Petitioner : Mr. N.K. Agrawal, Sr. Adv. with
Mr. Manoj Kumar Pandey, Adv.
For the Opposite Party : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

4 15-07-2019 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the state.

The petitioner seeks pre-arrest bail in connection with Bihpur (Jhandapur) P.S. Case No. 319 of 2018 for the offences alleged under Sections 406 and 420 of the Indian Penal Code and 3 of the Prevention of Damage of Public Property Act, 1984.

The accusation is that in course of inspection on 29.06.2016 by the Chairman of Flood Fighting Force, it was found that at the point of 5-6 Kilometer of Churhar, anti erosion work, such as P.P.R. Rope Gaibian and edge cutting was sunked in the length of 15 Kilometers. At the time of inspection the petitioner being the contractor was not present while the petitioner was requested to preserve the dam and no action was



taken by the petitioner at that place.

Learned counsel appearing for the petitioner submits that in fact under agreement petitioner being the contractor was allotted the work of strengthening of Bagjam Jamindari dam by metaled road and RCC porcupine in a length of one kilometer. Under the agreement the estimated work of Rs.8,49,29,159/-. After completion of work only Rs.3,30,62,130/- was paid after measurement of the work by the Junior Engineer, which is certified by the Assistant Engineer and Superintending Engineer on 07.08.2018, which would appear from Annexure 6 to the supplementary affidavit. Further submission is that while the petitioner was black listed from the list of contractors, but, on appeal that order was set aside by the Additional Chief Secretary-cum-Appellate Authority, Water Resources Department, Bihar, Patna, on 05.12.2018, which would appear from Annexure 5 to the supplementary affidavit.

Learned Additional Public Prosecutor for the State opposes the prayer for pre-arrest bail.

Having regard to the facts and circumstances of the case, let the petitioner, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Bihpur (Jhandapur) P.S. Case No. 319 of 2018



shall be released on pre-arrest bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, I, Naugachiya, Bhagalpur, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

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