

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15323 of 2019

Arising Out of PS. Case No.-183 Year-2018 Thana- SILAO District- Nalanda

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Upendra Kumar Sinha, Son of Late Bachcha Prasad Sinha, Resident of
Mohalla-Dahiyawan Tola, P.S.-Chapra, Town, District-Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sandeep Kumar

For the Opposite Party/s : Mr.Parmeshwar Mehta

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 12-03-2019 Heard learned counsel for the petitioner and learned
APP representing the State.

Petitioner, in the present case, is the then Executive
Officer of Nagar Panchayat, Silao (Nalanda), who is seeking
anticipatory bail in connection with Silao P.S. Case No. 183 of
2018 registered for the offences punishable under Sections 420
and 409/34 of the Indian Penal Code.

Learned counsel for the petitioner has taken this Court
through the enquiry report, a copy of which has been enclosed
with the application. The attention of this Court has been drawn
towards the last paragraph of the enquiry report present at page
72 of the brief. It has been shown to this Court that in course of
enquiry it has been found that the Junior Engineer Kamlesh
Kumar and the Assistant Lovelesh Kumar had failed to perform



their duties and had arbitrarily chosen the places for installation of borings which were the places belonging to the private persons who could not have been the beneficiaries of the scheme. It is the submission of the learned counsel that so far as this petitioner is concerned, he had no role to play in selection of the places. Learned counsel submits that in the given facts and circumstances the privilege of anticipatory bail be extended to the petitioner.

Although, learned APP representing the State has opposed the prayer for anticipatory bail of the petitioner, however, in course of argument nothing could be shown from the enquiry report to this Court to demonstrate that this petitioner had any role to play in selection of the places where the people were given to install the borings contrary to the provisions of the scheme.

Considering the facts and circumstances of the case and the part of the enquiry report as stated above, in case of arrest or surrender of the petitioner within a period of four weeks from today, the abovenamed petitioner shall be enlarged on bail on furnishing bail bond of Rs.15,000/- (rupees fifteen thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nalanda at



Biharsharif in connection with Silao P.S. Case No. 183 of 2018, subject to the condition that petitioner shall join the investigation by reporting to the Investigating Officer within a period of two weeks from today and shall cooperate in course of investigation. This will be in addition to condition prescribed under Section 438(2) of the Cr.P.C.

(Rajeev Ranjan Prasad, J)

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