

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24003 of 2019

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

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1. Arun Kumar Pandey, aged 58 years, Male, Son of Late Premanand Pandey Resident of Village and P.O. - More, P.S.- Mokama, District- Patna.
 2. Shailendra Kumar, age 59 years, Male, Son of Late Saryu Prasad Singh Resident of Village-Partner, P.O. and P.S. - Lakhisarai, District Lakhisarai.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Rakesh Kr. Samrendra, Mr. Manager Sah, Advocates
For the Opposite Party	:	Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 19-04-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 406, 409 and 420/34 of the Indian Penal Code registered in connection with Araria P.S. Case No. 502 of 2018.

3. It is submitted that the petitioners have been falsely implicated and their role as Junior Engineer and Assistant Engineer respectively along with co-accused Parshuram Thakur, Research Assistant, was to collect the samples of the bricks, sand, cement, stone chips and concrete found on the work site on the direction of the Controlling Officer. After collection of the samples by them, if low quality of the materials was used in the construction/repair work, the Site Engineers and the contractor were solely responsible but the petitioners were not responsible for carrying out the work nor withdrawal of money. Similarly situated co-accused Parasuram Thakur has been granted anticipatory bail by a coordinate Bench of this Court vide order dated 18.02.2019 and so also, other accused persons, namely, Ravikant Prasad and Dhananjay Kumar have been



granted anticipatory bail by this Court vide orders dated 15.01.2019 and 18.02.2019 passed in Cr. Misc. No. 2039 of 2019 and Cr. Misc. No. 8999 of 2019, respectively. The petitioners claim clean antecedents.

4. Be that as it may, in the event of the petitioners' arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned 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 Cr.P.C. and with further conditions --

(i) That one of the bailors of each of the petitioners shall be their close relatives.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioners shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(iv) That the petitioners shall cooperate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

BT/-

(Vikash Jain, J)

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