

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.76015 of 2018

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

Amresh Prasad Singh @ Amresh Prasad Sinha, aged about 64 years, Son of Late Sachidanand Sinha, Resident of Village- Matihani, Ward No. 22, Police Station- Khodarbandpuri, District- Begusarai Bihar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeet Kumar

For the Opposite Party/s : Mr. Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 16-01-2019 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 406, 409 and 420/34 of the Indian Penal Code.

The prosecution case as per the written report of Executive Engineer, Irrigation Division, Narpatganj(Araria) submitted SHO, Araria Police Station on 20.07.2018 is to the effect that the Chief Engineer Water Resources Development Department entered into an agreement with M/S K.N.R.-J.K.M.- KAMLA (J.V.) C-84 Greater Kailash, New Delhi contractor on 09.03.2010 for repairing, renovation, earth filling, brick soling etc of East Koshi Canal, but the engineers involved in the project in collusion with Accounts Department, without doing



any work and on the basis of incomplete work or sub-standard work withdrew huge amount of the project after preparing fake bills. Hence, consequently on the order of the minister concerned, FIR was lodged.

It is submitted by learned counsel for the petitioner that the petitioner actually was not responsible for conducting the work and thrust of accusation is against other co-accused persons. It is further submitted for an offence of misappropriation alleged to have been committed in the year 2010. FIR was registered on 28.07.2018. It is further submitted that several accused persons like Md. Manzar Naim, Executive Engineer Irrigation Department, Amit Kumar, Junior Accounts Clerk, Pawan Kumar, Divisional Account Officer and Shivdani Paswan have been granted anticipatory bail by different Co-Ordinate Benches of this Court vide Cr. Misc. Nos. 62847 of 2018, 78109 of 2018, 77344 of 2018 and 77330 of 2018. Moreover the petitioner has retired from service on 30.06.2013. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP for the State that the petitioner is named in the FIR with regard to misappropriation of public money.



Considering the delayed lodging of the case and FIR has been registered after five years of the retirement of the petitioner coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned **CJM, 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.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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