

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.76208 of 2018

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

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Kishan Lal, Son of Kishori Lal, Resident of C- 113, New A.G. Colony, West side of Khagaul Road, Near G.D. Goyenka Public School, Danapur Khagaul Road, P.S.- Danapur, Distt.- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeet Kumar

For the Opposite Party/s : Mr. Sri Parmeshwar Mehta

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-01-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner being Divisional Accounts Officer-I of Accountant General, Bihar posted in Irrigation Division, Narpatganj (Araria) 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 28.07.2018 is to the effect that the misappropriation has been committed by the contractor and the engineer, in construction of the East Koshi Canal Project either by not completing the work as per the specification or by not conducting the work at all.



It is submitted by learned counsel for the petitioner that for the cause of action having taken place in the year 2010, the issue was raised in the Legislative Assembly. The FIR was registered after lapse of more than eight years. It is further submitted that similarly situated co-accused persons like Executive Engineer and Assistant Engineer have been granted anticipatory bail by different Benches of this Court vide Cr. Misc. Nos. 73013, 73921, 77330, 62847, 78109, 77344 and 76748, of 2018. 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.

Considering the delayed lodging of the case and the fact that the officers, who are responsible for executing and completing the work have already been granted anticipatory bail, 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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