

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.79724 of 2018

Arising Out of PS. Case No.-25 Year-2016 Thana- NAVINAGAR District-
Aurangabad

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Vikash Kumar, Assistant Engineer, Project management Unit, Son of
Shambhu Kumar Resident of Village - Chaudhary Tola, Patna, P.S.-
Sultanganj, District - Patna

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Raj Kumar, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 28-01-2019

Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 420, 406, 409/34 of the Indian Penal Code
registered in connection with Nabinagar P.S. Case No. 25 of 2016.

3. It is submitted that the petitioner has been falsely
implicated merely because he happens to be deputed as an
Assistant Engineer in relation to the construction work in
question. It is submitted that the site by the construction had to
be made have been marked by Government Amin and it was
either the NGO or the local Governemnt Executive i.e.
government Amin who had to select and identify the land for the
scheme whereas the role of the petitioner was merely to
supervise the quality of construction and not to identify the site.
The accusation in the F.I.R. merely relates to construction on the
wrong side and not with regard to quality of construction. Other
co-accused Rana Akshay Pratap Singh, Pushpa Devi and Sakli
Devi, Kultu Devi, Mina Devi, Sabita Devi have been granted
anticipatory bail by this Court in Cr. Misc. No. 47141 of 2018,



38068 of 2016 and Cr. Misc. No. 33416 of 2016 respectively. After institution of the present case, the petitioner has been made accused in one other case in Nabinagar P.S. Case No. 83 of 2016.

4. Be that as it may, having regard to the entirety of the facts and circumstances of the case, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Aurangabad in connection with Nabinagar P.S. Case No. 25 of 2016, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions:

(i) That one of the bailors shall be a close relative of the petitioner.

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

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

(iv) The petitioner 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, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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