

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30049 of 2019**

Arising Out of PS. Case No.-74 Year-2018 Thana- DHURAIYA District-
Banka

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Prabhanshu Shekhar aged about 58 years, male, Son of Late Damodar Sah
Resident of Mohalla-3A, Block-1, Shivganga Apartment, Babupur More,
NH 80, Navtoliya Chowk, P.O and P.S-Sabour, District-Bhagalpur at present
posted as Assistant Engineer, at Sikandara, Irrigation Division, Jamui,
District-Jamui.

... .. Petitioner

Versus

The State of Bihar Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Ranjan Kumar Jha, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 10-05-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 409 and 420 of the Indian Penal Code
registered in connection with Dhoraiya P.S. Case No. 74 of 2018.

3. It is submitted that the petitioner has been falsely
implicated on the accusation of irregular payment to the tune of
Rs. 12,14,235/- to the contractor M/s Chitragupta Construction
Private Limited, Jehanabad. It is submitted that such payment
related to construction of Hirambi Beer Bandh on Rakouli river in
the year 2008-09 and in respect of which inquiry was conducted
almost eight years later in January, 2017 by a flying squad. The



said amount was deducted from the payment to the contractor which was however found refundable to the contractor in terms of the order of the Bihar Public Works Contracts Disputes Arbitration Tribunal, Patna in Reference Case No. 28 of 2011, against which the Irrigation Department has filed revision. It is therefore submitted that in view of the deduction having been made from payment to the contractor, the question of irregular payment did not arise. Other co-accused Anil Kumar, Paras Paswan being the Accounts Officer and Nakul Kumar Mishra and Surendra Prasad Yadav being the Accounts Clerk have been granted anticipatory bail by this Court in Cr. Misc. No. 71328 of 2018 and Cr. Misc. No. 56645 of 2018 respectively. The petitioner claims clean antecedents.

4. Be that as it may, 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-IV, Banka in connection with Dhoraiya P.S. Case No. 74 of 2018, 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) That 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) That 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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