

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75411 of 2018

Arising Out of PS. Case No.-153 Year-2018 Thana- BANMANKHI District- Purnia

1. Anil Kumar, Son of Ram Chandra Ram, Resident of Village-Mangalpur Sant Kabir Road, Near Chouvani Gagan Bhawan Betia, P.S.-Sikta District-West Champaran.
2. Krishna Kumar Srivastava, Son of Late Mahavir Prasad, Resident of Village-Bhuswan, P.S. Baniyapur, District- Chhapra (Saran).
3. Chakleshwar Kharwar, Son of Late Bala Kharwar, Resident of Village-and PO. Belbaiya, P.S. Dinara, District- Rohtas.
4. Shiv Chandra Jha, Son of Late Ram Sajjan Jha, Resident of Mohalla-Janta Chowk ,P.S. K. Hat. District-Purnea.

... .. Petitioners.

Versus

The State Of Bihar

... .. Opposite Party.

with

CRIMINAL MISCELLANEOUS No. 1948 of 2019

Arising Out of PS. Case No.-153 Year-2018 Thana- BANMANKHI District- Purnia

Rajesh Kumar, son of Sri Narayan Choudhary, Resident of Village - Parriya, P.S. Chakdish, District- Banka, at present Junior Engineer in the Office of Chief Engineer, Irrigation Department, Aurangabad.

... .. Petitioner.

Versus

The State of Bihar Bihar

... .. Opposite Party.

Appearance :

(In Criminal Miscellaneous No. 75411 Of 2018)

For the Petitioners : Mr. Ram Prawesh Kumar, Advocate.

For the State : Mr. Parmeshwar Mehta, A.P.P.

(in Criminal Miscellaneous No. 1948 Of 2019)

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

Mr. Sarveshwar Tiwary, Advocate.

For the State : Mr. Sri Parmeshwar Mehta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

5 13-03-2019 Since the petitioners of both the above stated criminal



miscellaneous applications apprehend their arrest in connection with the same Police Station Case bearing Banmankhi P.S. Case No.153 of 2018 registered under Sections 420, 406 and 409/34 of the Indian Penal Code, therefore, both the applications have been heard together and are being disposed of this common order.

The accusation is that in course of inquiry, it was detected that in the reconstruction work of East Koshi canal, under agreement dated 09.03.2010, the cement was not used in proper proportion and irregularity was also committed in the payment of the Contractors with respect to the work of cutting the soil. At that time, the work was being done under the supervision of the petitioners and others, named in the F.I.R.

It has been submitted on behalf of the petitioners that the petitioner nos.2 and 4 of Criminal Misc. No.75411 of 2018 has already retired from service and only vague allegation has been made against the petitioners of both the applications and others. Further submission is that the similarly situated co-accused, namely, Rajeev Ranjan Prasad alias Rajiv Ranjan Prasad, Premchand Ram alias Prem Chandra Ram and Arbind Kumar Singh, whose names find place at serial nos.8, 9 and 10 in the F.I.R., has already been granted the privilege of pre-arrest



bail by a Bench of this Court vide order dated 05.02.2019 passed in Criminal Misc. No.69361 of 2018. The petitioners have no criminal antecedents.

Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-I, Purnea/Chief Judicial Magistrate, Purnea, in connection with Banmankhi P.S. Case No.153 of 2018, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

P.S./-

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