

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34567 of 2019

Arising Out of PS. Case No.-126 Year-2017 Thana- MADHUBANI TOWN District-
Madhubani

=====

JAI RAM RAJAK Son of Late Bipat Rajak The Retired Chief Engineer,
Building Construction Division, Madhubani Office at Patna, Present resident
of Bhojpur Colony, Ashok Nagar, P.S.- Ashok Nagar, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR THROUGH VIGILANCE

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Amarendra Nath Verma

For the Opposite Party/s : Mr.Anjani Kumar (L.O.Inc.Vigi.)

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 04-07-2019 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of Special Case No. 01 o 2019, arising out of Madhubani
Town Police Station Case No. 126 of 2017, disclosing offences
under Sections 409, 467, 468, 477A of the Indian Penal Code
and Section 13 (2) read with 13(1) (D) of the Prevention of
Corruption Act, 1988.

The allegation against the petitioner is that the
petitioner was the Chief Engineer at the relevant point of time
when illegal payment was made in favour of contractors by the
Executive Engineer, Ramanand Singh, and the petitioner being
the Chief Engineer, did not take care of the irregularity, which



had taken place in his office.

Learned Counsel for the petitioner submits that the occurrence is of 2006 when the illegal payment was made by the Executive Engineer, Ramanand Singh, who is named in the First Information Report, and the petitioner was posted as Chief Engineer, Madhubani for the period 2007-2011, i.e. after the occurrence had taken place, the petitioner was posted over there and the petitioner retired from service in the year 2011 itself. The only thing, which can be said against the petitioner is that he did not pursue the matter which had taken place behind his back. He further submits that this issue was never brought to the notice of the petitioner. He next submits that Ramanand Singh, the main accused, has been granted bail by this Court, by order, dated 02.07.2018, passed in Criminal Misc. No. 28270 of 2018, on the ground that the entire defalcated amount has been refunded by him. He submits that similarly situated co-accused Kishor Ranjan Sinha, has also been granted anticipatory bail by order, dated 14.05.2019, passed in Criminal Misc. No. 31340 of 2019.

Learned Counsel for the Vigilance submits that the petitioner was involved in the conspiracy of making illegal payment to the contractor and he did not take care of the fact



that Government money has been squandered by the co-accused person and his subordinates.

After having heard learned Counsel for the parties and taking into consideration the fact that similarly situated co-accused person and the main accused have been granted anticipatory bail and the petitioner was not posted as Chief Engineer when the payment was made, this application is allowed.

Let the petitioner, Jai Ram Rajak, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Vigilance, North Bihar, at Muzaffarpur, in connection with Special Case No. 01 of 2019, arising out of Madhubani Police Station Case No. 126 of 2017, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

U	✓	T	✓
---	---	---	---

