

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40603 of 2019**

Arising Out of PS. Case No.-95 Year-2019 Thana- CHAKIA District- East Champaran

1. SUBHASH KUMAR S/o Rajendra Prasad Yadav Resident of Motihari Road, Ward No. 08, P.O.- Bara, P.S.- Chakia, District- East Champaran
2. Ranjan Kumar @ Rajan Kumar S/o Lakchaman Prasad R/o village- Kuawa, P.O.- Bara, P.S.- Chakia, District- East Champaran
3. Indrajit Singh S/o Late Amrit Singh R/o village- Chakia, Ward No. 09, P.O.- Bara, P.S.- Chakia, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Devi Das Srivastava
For the Opposite Party/s : Mr.Ramchandra Sahn

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 03-07-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Chakia P.S. Case No. 95 of 2019 (G.R. Case No. 2189 of 2019), disclosing offences under Sections 406 and 409 of the Indian Penal Code.

The petitioners were contractors, who were assigned to execute the work of construction of PCC road in Chakia Nagar Panchayat under UIDSSMT Scheme. It is alleged against them that the work executed by them was not in accordance with the specification/D.P.R. The work was executed in 2009-10. It appears that, in course of inquiry, it was found that the



thickness of metal was less by 25 mm, as against required thickness of 275 mm.

Learned counsel for the petitioners has relied on a letter no. 443 dated 06.09.2014, issued by the Executive Engineer, District Urban Development Authority, East Champaran, Motihari, to submit that in case the thickness was found to be less than the required thickness, the contractors were entitled for proportionately less payment, on the basis of actual measurement, particularly when the deficiency was not of such magnitude which would adversely affect the quality of work.

Considering the statement made in paragraph 9 of the application, this application is allowed. Let the petitioners, above named, in the event of their arrest/surrender within six weeks from today in the court below, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each, with two sureties of the like amount each, to the satisfaction of the learned Additional Chief Judicial Magistrate, East Champaran, Motihari, in connection with Chakia P.S. Case No. 95 of 2019 (G.R. No. 2189 of 2019), subject to the condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners



shall present themselves before the Police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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