

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41406 of 2019

Arising Out of PS. Case No.-12 Year-1999 Thana- VIGILANCE District- Patna

MANOJ KUMAR @ MANOJ PRASAD SINGH Son of Late Krishna Prasad
Singh Resident of State Boring Road, Hemra (Begusarai), Ward No.20, P.s.-
Mufassil, Dist.- Begusarai. ... Petitioner

Versus

1. The State of Bihar Bihar
2. Superintendent of Police Vigilance Department, Patna (Bihar) Bihar
... ... Opposite Party

Appearance :

For the Petitioner/s : Mr. AK Thakur, Mr P.Kumar, Advocate
Mr.Shashank Shekhar, Advocate

For the Opposite Party/s : Mr.Mohammad Sufyan, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

8 18-12-2019 Heard learned counsel for the petitioner as well as
learned counsel for the State.

Petitioner is apprehending arrest in a case registered
for offence under section 420/120B and other allied sections of
the Indian Penal Code and under the PC Act.

It is alleged that the petitioner being the Assistant
Engineer, without doing the physical inspection of work place
and measurement, filled in the measurement book in collusion
with other accused persons and thus misappropriated the
Government money detailed in the FIR.

It is submitted on behalf of the petitioner that in fact
for construction of well/boring, on the list prepared by the BDO
farmers got constructed well/boring and then on measurement
done by the then Junior Engineer and on report of the BDO,
concerned farmers got the payment. Learned counsel submits
that the petitioner neither prepared any document without
measurement nor put his signature without any inspection. It is
also submitted that the petitioner superannuated from the service



on 31.12.2015 and no show cause or departmental inquiry was ever initiated against him for the aforesaid alleged misappropriation and has been made accused in the charge sheet much after his retirement. He submits that petitioner's name has surfaced in the case during investigation on the basis of statement of witness Jgdish Paswan who stated that this petitioner had also come along with BDO for measurement.

In view of the above, the provisional bail allowed to the petitioner vide order dated 15.7.2019 is confirmed on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tempers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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