

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.67237 of 2018

Arising Out of PS. Case No.-761 Year-2018 Thana- SASARAM NAGAR District- Rohtas

Manish Kumar Son of Sri Sakaldeo Bhakat Resident of Village-P.O.-Maudah
Buzurg,P.S. Patepur,Distt.-Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kanhaiya Pandey
For the Opposite Party/s : Mr.Sri Murlidhar

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 24-01-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection with
Sasaram (Model) P.S.Case No. 761 of 2018 registered under
Sections 409, 420, 467, 468 & 34 of the Indian Penal Code.

It is submitted by the learned counsel for the
petitioner that no irregularity was committed in execution of the
three schemes bearing Scheme Nos. 110 of 2016-17, 111 of
2016-17 and 112 of 2016-17 by the petitioner. The only
allegation against the petitioner is that he did not verify the bills
presented before him and made payment to the contractor. The
allegation against the Junior Engineer is that he did not do the
measurement properly and signed over the bills, which was
counter signed by the Assistant Engineer, namely Sushil Kumar



whereas the work was executed under the supervision of the Assistant Engineer Ashok Prasad Singh. He contended that Ashok Prasad Singh had himself filed an application stating therein that since he was otherwise busy the measurement of the work can be done by another Assistant Engineer and in that light the Executive Officer had directed another Assistant Engineer to measure the work. He further contended that it does not appear from the allegations made in the FIR that the work assigned was not executed and FIR has been instituted with malice at the instance of one Atendra Kumar Singh with ulterior motive.

Learned counsel for the State opposed the application for grant of pre-arrest bail of the petitioner. He submitted that the case is still under investigation and there is allegation that the petitioner failed in discharge of his duty and made payment without properly verifying the works.

Considering the submissions made above as also the statement made in para 3 of the application that the petitioner has got no criminal antecedent, in the event of arrest or surrender before the court below, he is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Rohtas at



Ssasaram in connection with Sasaram (Model) P.S.Case No. 761
of 2018 subject to the conditions as laid down under Section
438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

pradeep/sneha

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