

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52545 of 2019

Arising Out of PS. Case No.-135 Year-2018 Thana- CHAKIA District- East Champaran

Shambhu Kumar, Son of Sri Babuchand Paswan, Resident of Village -
Keshopur, P.S.- Telhara, District- Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinay Ranjan

For the Opposite Party/s : Mr.Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 30-08-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Chakia P.S. Case no. 135 of 2018, registered under
Sections 406 and 409 of the Indian Penal Code.

The accusation is that in the work of UIDSSMT
road construction under Nagar Panchayat, Chakia several
deficiency were found due to non supervising the work by the
authorities i.e. Taukir Ahmad, the then Junior Engineer, Ajay
Shankar , the then Junior Engineer, Ratnesh Kumar, the then
Assistant Engineer, Shambhu Kumar (Petitioner), Bihar
Administrative Service the then Executive Officer and
Satrughan Prasad, the then Chairman Nagar Panchayat, Chakia.

Learned counsel for the petitioner submits that



admittedly, the petitioner was posted as Executive Officer, Nagar Panchayat, Chakiya in between February 2009 to April 2010 and road construction work was done during his tenure. Further submission is that it would appear from the F.I.R. that the matter is related to technical defects for which Junior Engineer, Assistant Engineer and Executive Engineer are responsible and petitioner being the administrative officer had only allotted the work of construction of road under the said scheme. Moreover, the matter was referred to the Government and the Addl. Chief Secretary, General Administration Department, Bihar, on inquiry, arrived at conclusion that the defects as found in construction work of the road is related to technical department and petitioner was posted as Executive officer, Nagar Panchayat, Chakia. Further submission is that Ajay Shankar, Ratnesh Kumar, Bhola Sharma and others have already been granted privilege of pre-arrest bail by co-ordinate Bench of this Court on 30.01.2019, 05.02.2019 and 02.07.2019 vide Criminal Miscellaneous No. 4996 of 2019, Criminal Miscellaneous No. 6658 of 2019 and Criminal Miscellaneous No. 40804 and 2019, respectively. The petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the



case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Addl. Chief Judicial Magistrate, East Champaran, Motihari in connection with Chakia P.S. Case No. 135 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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