

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53628 of 2019

Arising Out of PS. Case No.-782 Year-2018 Thana- LAKHISARAI District- Lakhisarai

SANTOSH KUMAR JHA Son of Jacob Rakhal Jha, Resident of House No.15, Nayatola, Bhikhanpur, P.O.- Head Post Office, P.S.- Ishakchak, District- Bhagalpur, 812001, the then Executive Engineer CADA, Lakhisarai.
... .. Petitioner/s

Versus

The State Of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lakshmi Kant Sharma

For the Opposite Party/s : Mr.Ramchandra Sahnii

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 27-08-2019 Heard both sides.

The petitioner apprehends his arrest in Lakhisarai P.S.

Case No.782 of 2018 registered under Sections 409 and 34 of the Indian Penal Code.

The informant (Block Development Officer, Lakhisarai) alleged in his letter (on the basis of which the present F.I.R. was lodged) that in the light of letter of the District Magistrate, Lakhisarai, the Executive Engineer (petitioner) advanced money to different executing agents for completion of different schemes and it is alleged that for execution of the work, the executing agents, Junior Engineer and Executive Engineer are also responsible.

Learned counsel for the petitioner submits that all the schemes were of the year 2010-11. No irregularity was found. Later on, some persons filed petition before the Lokayukta and by the order of Lokayukta, a hovering enquiry was made but no



concrete facts for non-execution of the scheme was found. The petitioner is alleged to have not properly supervised the execution of the work. It is submitted that the petitioner was the Executive Engineer and he was to supervise only 10 per cent of work of the scheme. There was nothing on record to show that the petitioner failed in his duty.

Having considered the facts and the nature of allegation made against the petitioner and the fact that after more than seven years from the date of completion of the schemes, the enquiry was held, the above named petitioner, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged 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 C.J.M., Lakhisarai in connection with Lakhisarai P.S. Case No.782 of 2018, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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