

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5696 of 2019

Arising Out of PS. Case No.-153 Year-2018 Thana- BANMANKHI District- Purnia

Sikandar Prasad Mandal

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 7063 of 2019

Arising Out of PS. Case No.-153 Year-2018 Thana- BANMANKHI District- Purnia

Jawahar Lal Mandal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 5696 of 2019)

For the Petitioner/s : Mr.Sanjay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ajit Kumar, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 7063 of 2019)

For the Petitioner/s : Mr.Harshvardhan Shivsundaram

For the Opposite Party/s : Mr.Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 28-03-2019 Both the cases arises out of the same case as

Banmankhi P. S.Case No. 153 of 2018, as such, both cases are

being disposed of by the same order.

Heard the parties.

The petitioners seek anticipatory bail in connection

with Banmankhi P.S.Case No. 153 of 2018, registered for

offences punishable under Sections 406, 420 and 409/34 of the



Indian Penal Code.

Allegation against the petitioners is that they have entered into an agreement with contractor for re-construction of East Koshi Canal and on inquiry of the higher officials found the irregularities that there was less quantity of cement used in the construction work and the Engineers, named in the F.I.R. including the petitioner and contractor illegally without deducting the settlement in soil work, paid the excess amounts to the contractor by the Divisional Accountant and Account clerk.

So far the case of the petitioner is concerned, it has been submitted that he was a Junior Engineer and after eight years of the work, the present case has been lodged and now he has also superannuated from the service and as per agreement, he has deducted the settlement in soil work and not paid the excess amount to the contractor.

On the other hand, learned counsel for the petitioner submits that he is an Assistant Engineer and as per the report as mentioned in the F.I.R., he did not deduct in settlement of soil work and only on the basis of conjuncture and surmises, the name of the petitioner has been surfaced in the present case and the petitioner has no criminal antecedent.



Learned A.P.P. opposes the prayer for bail.

Having heard both sides and in view of the facts and circumstances discussed above, prayer for provisional anticipatory bail of the petitioner is allowed till charge is framed. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 25,000/- with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Purnea in connection with Banmankhi P.S. Case No. 153 of 2018, subject to the conditions as laid down under Section 438 (2) of Cr.P.C. and one of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.

However, it is made clear that once charge is framed, he will have to surrender before the Court below and pray for regular bail which will be considered on its own merit without being prejudiced by this order.

This application is accordingly disposed of.

(Vinod Kumar Sinha, J)

sudha/-

U		T	
---	--	---	--



