

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68432 of 2019

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

AWADHESH KUMAR @ AWADHESH PRASAD Son of Ram Sagar
Sharma Resident of Village - Pinjour, P.S.- Parasbigha, Distt - Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar

For the Opposite Party/s : Mr.Parmeshwar Mehta

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 27-11-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in connection
with Banmankhi P.S. Case No. 153 ioif 2018 for the offence
registered under Sections 406, 409, 420/34 of the Indian Penal
Code.

Learned counsel for the petitioner submits that the
allegation has count out in the first information report clearly
shows that the petitioner as an Executive Engineer has been
responsible for usage of lesser amount of cement in the
construction works which had led to loss to the State Exchequer
and the constructions being made which were not up-to the
normal permissible standards. It is further submitted that the
first information report, in question, has been lodged after a



complete period of 8 years of the completion of project and the entire allegations as made out therein are vague and nondescript and so far as the petitioner is concerned, the report clearly indicates that work had not been done in his area, therefore, the question of uses of faulty cement and sub-standard construction cannot arise. It is further submitted that the petitioner has already superannuated and is willing to cooperate in the trial as and when required and also in any further investigation if so called upon. It is further submitted that several others similarly situated co-accused persons out of same FIR have since been extended the privilege of bail vide orders dated 05.02.2019, 13.03.2019, 27.03.2019 and 20.05.2019 passed in Cr. Misc. Nos. 69361 of 2018, 75411 of 2018, 17000 of 2019 and 38262 of 2019 respectively and, therefore, the petitioner may also be extended the privilege of bail.

Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, in the event of his arrest/surrender before the learned court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of 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 the Code of Criminal Procedure, subject to the following conditions also :-

1. One of the bailors will be his own blood relative, preferably, father, mother, son, brother, sister and/or his wife.
2. The petitioner shall not indulge himself in any similar offence till conclusion of the trial.
3. The petitioner shall remain physically present in court on each and every date during trial and in the event of his failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.
4. The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjana Mishra, J)

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