

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.75459 of 2018

Arising Out of PS. Case No.-47 Year-2013 Thana- JAYNAGAR District- Madhubani

Tulsi Ram Son of Sita Ram Manjhi, Resident of Village-Barmain, P.S.-
Uchkagaon, District-Bhagalpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar
For the Respondent/s : Mr.Pradeep Narain Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 15-01-2019 Heard both sides.

The petitioner apprehends his arrest in Jaynagar P.S.
Case No.47 of 2013(Corresponding G.R. No.599 of 2013)
registered under Sections 406, 420, 467, 468 and 471 of the
Indian Penal Code.

The Assistant Engineer wrote a letter to the Officer-
in-charge for registration of the F.I.R. against Sri Aseem Anand,
Director Bijendra Build Tech India Private Limited for
fraudulently withdrawing the amount of Rs.9,80,000/- pledged
by him as security in pursuance of agreement No.09F2/2010-11
for construction of road worth Rs.1,73,51,190/-.

The learned counsel for the petitioner submits that
petitioner was an Executive Engineer at the relevant time in
National Highway Division, Jaynagar. The agreement was



executed for construction of the road. The work was to be started on 19.08.2010 but some construction work of the road remained to be completed. When the Executive Engineer wrote a letter to the Director, Bijendra Build Tech India Private Limited, he did not respond. Consequently, the agreement was rescinded and the security was ordered to be forfeited. On information, officials of the post office reported that fixed deposit, the original certificate of which were placed before the authority, was not pledged in the post office and Aseem Anand, Director of the company withdrew the entire amount after preparing the duplicate copy of the fixed deposit although original copy of the fixed deposit remained with the National Highway Division, Jaynagar. It is submitted that during the course of investigation, the investigating officer found the negligence of the petitioner that the petitioner did not verify whether the certificate of fixed deposit were pledged in the post office or not and on such, the petitioner has also been made accused. It is submitted that Jaynagar P.S. Case No.48 of 2014 was registered on the same and similar allegation in which the petitioner has already been granted anticipatory bail vide order dated 21.12.2018 passed in Cr. Misc. No.73696 of 2018. The petitioner deserves bail in this case also.



Learned A.P.P. however vehemently opposed the prayer for anticipatory bail but it appears from the records that initially the petitioner was not made accused in the case. Petitioner was the Executive Engineer in the National Highway Division, Jaynagar and during his period, the agreement was signed between petitioner on one side and Bijendra Build Tech India Private Limited on the other side for construction of road worth Rs.1,73,51,190/-. Aseem Anand, Director of the company deposited original copy of the fixed deposit worth Rs.9,80,000/- stating therein that he had already pledged the aforesaid amount but he misrepresented the facts and later on, after preparing the duplicate copy withdrew the entire amount. The only mistake committed by the petitioner that the petitioner did not verify the statement of the Director.

Considering the aforesaid facts and nature of allegation made against the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, 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 S.D.J.M., Madhubani in connection with Jaynagar P.S. Case No.47 of



2013(Corresponding G.R. No.599 of 2013), 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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