

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62865 of 2019

Arising Out of PS. Case No.-151 Year-2019 Thana- KUCHAIKOTE District- Gopalganj

Laleshwar Sao aged about 55 years/male, Son of Late Dahan Sao Resident of Village- Shila, Police Station- Tankuppa, District- Gaya, Presently Posted as Assistant Engineer, Rural Works Department, Work Division, Harnaut, District-Nalanda. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabi Bhushan Prasad No. 1, Adv
For the Opposite Party/s : Mr. Narendra Kumar Singh, APP.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 22-10-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner apprehends his arrest in connection with Kuchaikote P.S. Case No. 151 of 2019 registered under sections 420, 406, 409, 34 of the IPC.

The allegation against the petitioner, as per first information report, is that the petitioner being the Junior Engineer committed irregularity in the construction of two panchayat buildings and used the sub-standard materials in the construction of the panchayat building. It has further been alleged that the Development Commissioner had inspected the panchayat buildings on 28.03.2019 and vide memo No. 26 dated 01.04.2019 rectification of certain cracks and defects in the panchayat building in question were suggested.

Learned counsel appearing for the petitioner submits



that the petitioner has falsely been implicated in this case inasmuch as the concerned building of the panchayat was constructed by the contractor and the construction work of the building started in the year 2013 and the work was completed in the year 2014 and the building was handed over to the concerned District Panchayati Raj Officer, Gopalganj on 25.02.2016. Learned counsel further submits that petitioner being a junior Engineer and other officials Assistant Engineer, Executive Engineer also verified the construction of the building and after inspection of quality control of the building the bill of the contractor was passed by the competent authority. Learned counsel further submits that after three years of handing over and 5 years of the completion of the panchayat building the inspection of the Development Commissioner was held and minor cracks in the floor and walls as well as window paves were found which were rectified by the contractor pursuant to the objection raised by the Development Commissioner. Learned counsel referring to Annexure 3, which is the letter issued by the Executive Engineer to the District Magistrate Gopalganj dated 27.05.2019 submits that from perusal of the same it would be evident that all the minor defects found by the Development Commissioner was rectified/removed by the Contractor and at the level of panchayat. Learned counsel further submits that the FIR has been lodged on 29.05.2019 i.e. after the



rectification of all the defects in two panchayat building.

Having regard to the submissions made by the parties and taking into consideration the fact that the petitioner is junior Engineer and the contractor has rectified the defects in the panchayat buildings pursuant to the objection raised by the Development Commissioner as it would be evident from the Annexure-3, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, the petitioner, above named, in the event of arrest or surrender before the learned Court below within a period of four weeks from today shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate- 7th, Gopalganj in connection with Kuchaikote P.S. Case No. 151 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Anil Kumar Sinha, J)

Anjula/-

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