

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 71448 of 2019

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

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RAMESH KUMAR @ RAMESH SINGH, aged about 66 years, Male, S/o
Late Ramashraya Kumar, R/o village- Dumari, P.S.- Simri, District- Buxar,
Retired Junior Engineer, C.A.D.A

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Adv.

For the Opposite Party/s : Mr.Bharat Bhushan(APP156)

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 19-11-2019 Heard learned senior counsel Mr. Ramakant Sharma

assisted by Mr. Sanjeev Shankar for the petitioner and learned APP

for the State.

The petitioner is apprehending his arrest in a case
registered for the offence punishable under Sections 409/34 of the
Indian Penal Code.

The informant (Block Development Officer, Lakhisarai)
alleged in his letter (on the basis of which the present FIR 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. The co-accused has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 27.08.2019 in Cr. Misc. No. 53628 of 2019.

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, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs.25,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, 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.

(Anjani Kumar Sharan, J)

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