

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5433 of 2020

Arising Out of PS. Case No.-708 Year-2019 Thana- KHAGARIA District- Khagaria

1. AJAY KUMAR, Son of Late Shyamendra Mohan Kumar, R/o- E-406, Aashu Enclave, Aara Garden Road, Jagdeopath, Bailey Road, P.S.- Rupaspur, District - Patna.
2. Sunil Kumar, Son of Late Harinandan Prasad Singh, R/o- Nirala Nagar, Ratanpur, P.S.- Town, District - Begusarai.
3. Vijay Kumar, Son of Late Damodar Prasad Yadav, R/o- Village Heera-tol, P.S.- S. Kamal, District - Begusarai.
4. Amresh Kumar, Son of Late Narsing Marar, R/o- Village Sanha East, P.S.- S. Kamal, District - Begusarai.
5. Narendra Kumar, Son of Late Brahamdeo Rai, R/o- Village Baghi, P.S.- Town, District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur
		Mr. Nilesh Kumar
For the Opposite Party/s	:	Mr. Mukeshwar Dayal

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 30-06-2020 Heard learned counsel for the petitioners and the State.

The petitioners are apprehending their arrest in connection with Khagaria (Chitragupta Nagar) P.S. Case No. 708 of 2019 for the offence under Sections 420, 409/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are engineers and they were posted in the Water Resources Department at the relevant time. He further submits



that on the basis of Flying Squad report, the present case was registered against the petitioners and others with the allegation that payments have been made without the completion of work as per the specification. He further submits that the allegation against these petitioners is that they have certified the work and, therefore, in connivance with the petitioners payments have been made, although work was not carried out as per the specification. The detailed enquiry report indicates that there is some discrepancy in the work and work was not found as per the specification.

Mr. Ajay Kumar Thakur, learned counsel for the petitioners submits that it is evidently clear that work was done and it is not a case that payments has been made by showing only on the basis of paper work and not after carrying the work. He submits that the Flying Squad found the alleged discrepancy much after the work was done and, as such, variation in the flood related work is most natural. He further submits that investigation of the case is still pending and the petitioners have not proceeded against in the departmental proceeding.

Considering the aforesaid, the petitioners named above, in the event of arrest or surrender before the court below within one month from today, are directed to be released on bail



on furnishing bail bonds of Rs.50,000/- (Rupees fifty thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Khagaria in connection with Khagaria (Chitragupta Nagar) P.S. Case No. 708 of 2019 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with the further following conditions:

(a) The petitioners shall extend full co-operation in investigation of the case.

(b) The petitioners have to provide collateral security of Rs.10,00,000/- (Rupees Ten lacs) each.

(c) The petitioners are required to deposit their passports, if any, in the court below.

(Anil Kumar Upadhyay, J)

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