

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66056 of 2019**

Arising Out of PS. Case No.-502 Year-2018 Thana- ARARIA District- Araria

AWADHESH KUMAR @ AWADHESH PRASAD S/o Ram Sagar Sharma
R/o village- Pinjour, P.S.- Parasbigha, District- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar

For the Opposite Party/s : Mr.Ashraf Ansari

**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER**

4 10-01-2020 Heard learned counsel for the parties.

Petitioner is apprehending his arrest in connection with Araria P.S.Case No.502 of 2018 , registered for offences punishable under Sections 406, 409 and 420/34 of the Indian Penal Code.

As per FIR, there was an agreement with M/S K.N.R. - J.K.M.-Kamla (J.V.)C-84 Greater Kailash, New Delhi with respect to renovation of Koshi Canal and it is alleged that without any work or sub-standard work, payment was made by the District Accountant in collusion with other accused persons.

Submission of the learned counsel for the petitioner is that he was Executive Engineer at that time and he has been entrusted with the work of renovation of Drainage of Murliganj.



There is no allegation as to how much money has been spent by the petitioner and there is no materials available on the record that sample of work has been sent for examination by any competent expert. The petitioner has already retired in the year, 2015 and he is ready to co-operate in the investigation and moreover several other accused persons having similar allegation has been granted privilege of anticipatory bail, by a Co-ordination Benches of this court, vide order dated 14.12.2018 passed in Cr. Misc. No.62847 of 2018, order dated 25.1.2019 passed in Cr. Misc. No.75297 of 2018, order dated 27.2.2019 passed in Cr. Misc. No.69276 of 2018 and order dated 11.1.2019 passed in Cr. Misc. No.76822 of 2018.

Heard learned A.P.P. , who has opposed the prayer for bail..

Having heard both sides and in view of submissions as made above and as other accused persons have already been granted privilege of bail, let the petitioner, above named, in the event of arrest or surrender before the learned court below, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Araria in connection with Araria



P.S.Case No.502 of 2018, subject to conditions as laid down under Section 438 (2) of the Code of Criminal Procedure with further condition to co-operate in the investigation on further condition that he has to appear before the Investigating Officer within ten days of his release and co-operate in the investigation , otherwise his bail bond shall be cancelled.

It is also made clear that during the investigation if any serious incriminating materials are found apart from the above allegation, the prosecution will be at liberty to move for cancellation of his bail bond.

With the above direction, this application is allowed.

(Vinod Kumar Sinha, J)

chn/-

U		T	
---	--	---	--

