

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33355 of 2020

Arising Out of PS. Case No.-63 Year-2020 Thana- MADHEPURA District- Madhepura

DIPAK KUMAR, Son of Birendra Singh Resident of Village- Rampur
Dumra, P.S.- Maranhi, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. P.K. Shahi, Sr. Advocate
		Mr. Vikas Kumar, Advocate
For the Opposite Party/s	:	Mr. A.M.P. Mehta, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 23-03-2021 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Madhepura P.S. Case no. 63 of 2020, registered under
Sections 419, 420, 467, 471 and 468 of the Indian Penal Code.

The accusation is that a tender was invited by
PHED, Madhepura division, regarding 76 works under
'*Mukhya Mantri Gramin Payejal Yojna*' in which M/s. Khushi
Construction, Patna, who had applied for tender, succeeded in
getting bid and, thereafter, agreement was executed whereupon,
M/s. Khushi Construction deposited papers regarding fixed
deposit of Rs. 3,05,50,000/-, which was issued by Mithapur
Sub-Post Office, Patna, but, on verification, the papers of the
said fixed deposit in respect to Rs. 3,05,50,000/- found forged.



Learned counsel appearing for the petitioner submits that Dipak Kumar (Petitioner) is one of the partners of M/s. Khushi Construction, Patna. After allocation of work under '*Mukhya Mantri Gramin Payejaal Yojna*', the work was done about Rs. 76 Crores out of which Rs. 50 Crores has already been paid to the Firm of the petitioner and Rs. 4.50 Crores, in form of EMD and SD, has been retained by the PHED. Further submission is that the petitioner was not aware that after handing over cash by the firm, the agent of the post office given fake fixed deposit certificates and on knowing about the said fact, M/s. Khushi Construction, firm of the petitioner, has filed Complaint Case No. 120 of 2020 (Khushi Constructions vs. Ravi Kumar & others), under Sections 420, 406, 409, 467, 120-B and 504 of the Indian Penal Code, which would appear from Annexure-2. Further submission is that after detection of the fake fixed deposit certificate by the firm of the petitioner, the work allotted to the firm of the petitioner has already been cancelled and for reviving of the same, C.W.J.C. No. 4016 of 2020 has already filed, which is pending before this Court. Further submission is that petitioner undertakes that if any amount of PHED would be recoverable against the firm of the petitioner, the same would be paid. Further submission is



that, in fact, the agent of the post office has not only committed mischief by handing over fake fixed deposit certificates with the firm of the petitioner, but also in two other cases in which the tender of the firm of the petitioner were cancelled regarding which C.W.J.C. No. 3963 of 2020 and C.W.J.C. No. 4020 of 2020 were filed before this Court, which have been allowed vide Judgment dated 03.09.2020.

Having regard to the facts and circumstances of the case and undertaking of the petitioner, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura in connection with Madhepura P.S. Case No. 63 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

manish/-

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

