

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34045 of 2020

Arising Out of PS. Case No.-903 Year-2014 Thana- HAJIPUR District- Vaishali

PRITHIVIRAJ SRIVASTAVA Son of Late Jay Narayan Lal Resident of Vijay Nagar, Hanuman Nagar, Kankarbagh, P.S.- Patrakar Nagar, District- Patna. the then executive officer, Nagar Parishad, Hajipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ansul

For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

6 22-06-2021 Heard both sides.

The petitioner apprehends his arrest in Hajipur Town PS case No. 903 of 2014 registered under Section 406, 420, 467, 468 and 120 (B) of the IPC.

The gist of the allegation is that the Chairman of Hajipur Nagar Parishad without taking prior permission of the Empowered Standing Committee approved the scheme and on such work of more than Rs. 50 lakhs was executed. During the enquiry, before institution of the FIR, it was found that Rama Nishad, the Chairman of the Nagar Parishad, Hajipur without getting sanction of the Empowered Standing Committee got the scheme approved.

The learned counsel for the petitioner submits that petitioner is Executive Officer of Nagar Parishad, Hajipur. He was posted in the year 2011. The scheme was approved in the year 2010 but during the tenure of the petitioner work was started. It is further submitted that petitioner made payment for



the works done worth Rs. 13 lakhs. In course of investigation by the Vigilance Department, the Vigilance Department made spot enquiry and found the work done satisfactorily, therefore, there is only irregularity that the work was started without getting sanction from the Empowered Standing Committee and no money is defalcated. It is further submitted that petitioner has already retired. The Executive Engineer, Krishna Nandan Prasad Singh and the Junior Engineer Hem Chadra Lal Karn have already been granted anticipatory bail by co-ordinate Benches of this court vide order passed in Cr. Misc. No. 12975 of 2019 and in Cr. Misc. No. 3014 of 2019 respectively and the case of petitioner stands almost on same footing. Arrest of Rama Nishad, the then Chairman of Nagar Parishad, Hajipur has been stayed by the Hon'ble Apex Court. It is submitted that petitioner also deserves anticipatory bail.

The learned APP while contending the submissions of the learned counsel for the petitioner submits that from perusal of the FIR itself it would appear that the scheme was approved without obtaining prior sanction of the Empowered Standing Committee. The money was handed over to the Junior Engineer of the department who did the work. Even the work has not been done satisfactorily and there was wrong entry in the measurement book and the petitioner being the Executive Officer of Nagar Parishad made payment of Rs. 13 lakhs and thereby committed financial irregularity.

Having considered the submissions of both sides, it appears that petitioner was posted after approval of the scheme and during his tenure some work was done at the initial stage of the construction and the petitioner is alleged to have made payment of Rs. 13 lakhs but the work was supervised and done



by the Executive Engineer and Junior Engineer and they have already been granted anticipatory bail.

Taking into consideration the facts aforesaid, I find that the petitioner also deserves anticipatory bail. Accordingly, the petitioner, above named, in the event of his arrest/ surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order is directed to be enlarged on bail on his furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge- XI- Vaishali at Hajipur in connection with Hajipur Town P.S. case No. 903/2014, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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