

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5921 of 2022

Arising Out of PS. Case No.-180 Year-2019 Thana- CHAND District- Kaimur (Bhabua)

Ajay Kumar S/O Shri Birendra Kumar Bhagat Resident Of Village- Chhotaki Delha, Tekari Road, P.O.- Gaya, P.S.- Delha, District- Gaya, Pin-823002, And Presently Working As A Executive Engineer, Minor Irrigation Division, Seikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar

For the Opposite Party/s : Mr.Atul Chandra

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 27-09-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 188, 420, 409, 120(B) of the Indian Penal Code.

The informant, Executive Engineer, Minor Irrigation Division, Kaimur has made a complaint that the work of renovation of Diwane Tank was allotted to the contractor namely Kumar Mritunjay Construction Private Limited but the same has not been completed by



the contractor as per estimate and grave irregularities were found in the work.

It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in this case. The petitioner was not named in the F.I.R and his name subsequently surfaced during investigation. The work order was issued in favour of the contractor Kumar Mritunjay Construction Private Limited who is fully responsible for any irregularity or embezzlement. The petitioner being Executive Engineer was posted at the place of occurrence. The earthwork was estimated for Rs. 92,23,589/- but the payment was done only for Rs. 80,00,000/- as there was limitation of earth work amount. Thus, the allegation of embezzlement of Rs. 80,00,000/- is apparently incorrect. The report of the S.D.P.O, Bhabhua which has been annexed as Annexure-2 series of the supplementary affidavit suggests that there is no any embezzlement of single



paisa.

In the facts and circumstance of the case, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, IVth, Bhabhua, Kaimur in connection with Chand P.S. Case No. 180 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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