

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.541 of 2022

Arising Out of PS. Case No.-497 Year-2021 Thana- DIGHA District- Patna

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PRADEEP KUMAR Son of Rajnandan Singh Resident of Village - Nayatola,
Kumharar (Ghera), P.S.- Agamkuan, Distt.- Patna, at Present Posted On the
Post of Junior Engineer at Ganga Sone Flood Protection Diveision, Digha,
Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 6992 of 2022

Arising Out of PS. Case No.-497 Year-2021 Thana- DIGHA District- Patna

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ANIL KUMAR SINGH S/o Rameshwar Singh R/o village- Buduchak,
Mohanpur, P.S.- Khalgaon, District- Bhagalpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 8872 of 2022

Arising Out of PS. Case No.-497 Year-2021 Thana- DIGHA District- Patna

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RAJESH KUMAR SON OF LATE SADAN PRASAD R/O - MAYA
SADAN, ROAD NO.- 13C, BAHADURPUR, P.S.- BAHADURPUR,
DISTRICT- PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 541 of 2022)

For the Petitioner/s : Mr. Indu Bhushan, Advocate

For the Opposite Party/s : Mr. Lalan Kumar, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 6992 of 2022)

For the Petitioner/s : Mr. Indu Bhushan, Advocate

For the Opposite Party/s : Mr. Uday Pratap Singh, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 8872 of 2022)

For the Petitioner/s : Mr. Indu Bhushan, Advocate



For the Opposite Party/s : Mr. Jai Narain Thakur, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 14-11-2022 **CRIMINAL MISCELLANEOUS No.541 of 2022**

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 419, 420,
467, 468, 471, 409, 120(B) and 34 of the Indian Penal Code.

The informant alleges that on inspection of godown of
Ganga Sone Flood Protection Division, Digha, it was found that
certain goods and articles were missing.

Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent. Learned counsel
next submits that petitioner is a Junior Engineer and has been
falsely implicated in the present case, it is next submitted that
the FIR does not disclose as to when the said inspection was
carried out, it is further submitted that for the same charges the
petitioner has been put under suspension and is facing a
departmental proceeding. Learned counsel also submits that
since the charges in the departmental proceeding and the present
FIR is same, as such, the petitioner be enlarged on anticipatory
bail so that he can face departmental proceeding and prove his



innocence.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Digha P.S. Case No. 497 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

CRIMINAL MISCELLANEOUS No. 6992 of 2022

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 419, 420, 467, 468, 471, 409, 120(B) and 34 of the Indian Penal Code.

The informant alleges that on inspection of godown of Ganga Sone Flood Protection Division, Digha, it was found that



certain goods and articles were missing.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent. Learned counsel next submits that petitioner is a Junior Engineer and has been falsely implicated in the present case, it is next submitted that the FIR does not disclose as to when the said inspection was carried out, it is further submitted that for the same charges the petitioner has been put under suspension and is facing a departmental proceeding. Learned counsel also submits that since the charges in the departmental proceeding and the present FIR is same, as such, the petitioner be enlarged on anticipatory bail so that he can face departmental proceeding and prove his innocence.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case



is pending/successor court in connection with Digha P.S. Case No. 497 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

CRIMINAL MISCELLANEOUS No. 8872 of 2022

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 419, 420, 467, 468, 471, 409, 120(B) and 34 of the Indian Penal Code.

The informant alleges that on inspection of godown of Ganga Sone Flood Protection Division, Digha, it was found that certain goods and articles were missing.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and has been falsely implicated in the present case. Learned counsel next submits that petitioner is an Executive Engineer and he has already retired, it is next submitted that even the FIR does not disclose the date of inspection and the entire allegation hinges on the inquiry done for which a departmental proceeding was also initiated against the petitioner while he was in service but now he has retired and the proceeding have been converted under Section 43(B) of Bihar Pension Rules. Learned counsel next



submits that since the charges are the same and if the department is not able to prove the charge in the departmental proceeding then the present criminal case shall also become vulnerable.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Digha P.S. Case No. 497 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

GauravSinha/-

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