

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23758 of 2022**

Arising Out of PS. Case No.-139 Year-2021 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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Giridhari Kumar @ Girdhar Kumar Son Of Hira Sharma R/O Mohalla-
Magadh Colony, Road No.-4, P.S.- Magadh Medical, District- Gaya
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manish Kumar No2

For the Opposite Party/s : Mr.Ram Priya Sharan Singh

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 08-09-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 409, 420
of the Indian Penal Code.

As per the prosecution case, petitioner being Junior
Engineer recommended to the Executive Engineer for excess
payment than actual work by marking more work in the MB
book and thus, embezzled government money.

It is submitted that at the relevant time petitioner was
Junior Engineer on contract basis. The scheme in question was
of the year 2015-16. The alleged work was done in the year
2016 and the FIR has been lodged after lapse of five years. The
petitioner being Junior Engineer watching all the work and



whatever construction has been made he measured the same and accordingly measurement report has been submitted in the office. The petitioner has got no role in making the payment to the contractor and he has not paid any single farthing to the contractor. Moreover, the petitioner left the job in the year 2016 and presently, working at Ranchi with a private firm and the alleged excess amount which was given by the petitioner to the contractor was refunded and the same is apparent from the perusal of FIR itself. Petitioner claims clean antecedent.

Considering the facts aforesaid, 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 furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate IV, Gaya in connection with Magadh Medical P.S. Case No. 139 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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