

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68508 of 2021

Arising Out of PS. Case No.-454 Year-2003 Thana- SASARAM NAGAR District- Rohtas

Jaj Singh, son of Late Ram Naresh Singh Resident Of Village- Anaith, Ward No.44, P.S.- Nawada Ara, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur

For the Opposite Party/s : Mr. Ram Sumiran Rai

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 26-09-2022 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 409, 420, 467, 468/34 of the Indian Penal Code.

The prosecution case as per F.I.R is that the District Project Officer, Rohtas, Sasaram has lodged a complaint to the effect that under the Road Division, Dihri, the repairing work from Sasaram to Basahi Bridge under Sasaram-Chausa Road was done. However, in the meeting of 20 Points Work Execution Committee, a complaint was made regarding serious irregularities.



Accordingly, a committee was constituted under the Chairmanship of District Magistrate and the learned M.P and M.L.A were also informed to remain present at the time of inspection. During the course of inspection, serious irregularities were found in the work in question. From the office of the Executive Engineer, Road Construction Division, Dihri, it was informed that work tender was given to Sri. Raghunath Singh, Singrakala, Daltenganj, Palamu by the Department and the administrative sanction of the said project was Rs. 4,41,83,000/- out of which, Rs. 3,75,85,796/- has already been paid to the contractor. Thus, the Inspection Committee had recommended to take necessary action against the contractor as well as erring officials of the department for embezzlement of government fund.

It is submitted by learned counsel for the petitioner that petitioner has falsely been implicated in this case. The petitioner was not named in the F.I.R and his name subsequently sprang up during investigation for



the first time on 24.08.2021. It is further submitted that advertisement for construction/repair of the road was made under the signature of Chief Engineer (Yatayat) South Bihar and thereafter the Nivida Samittee allotted the work to Sri Raghunath Singh, Contractor and its approval was granted by the Engineer-in-Chief-cum-Additional Commissioner-cum-Special Secretary, Road Construction, Government of Bihar and it was directed that after receiving the security amount, the Executive Engineer will execute the agreement. Thereafter, the Superintending Engineer, Road Construction Department sent a letter to the petitioner, the then Executive Engineer, Dehri-on-Son to execute the agreement with the contractor and thereafter the agreement was executed. The Superintending Engineer, Road Construction Department, Bhojpur, Ara thereafter granted approval to the petitioner being Executive Engineer, Road Construction Department, Road Division, Dihri-on-Son for sanction of the tender. It is also



submitted that petitioner was transferred from Dehri-on-Son to Patna on 31.12.1999 and on 04.01.2000, he handed over the charge to Sri. Shashi Bhushan Prasad, Executive Engineer, Dihri. The petitioner has now retired and aged about 70 years and suffering from many old age ailments.

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 Chief Judicial Magistrate, Rohtas at Sasaram in connection with Sasaram Town P.S. Case No. 454 of 2003, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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