

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62901 of 2018

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

Raghubir Safi S/o Kailu Safi, R/o Village- Singrahi, P.S.- Laukahi, District-
Madhubani Bihar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Vasant Vikas, Advocate.
For the Opposite Party/s :	Mr.Uday Pratap Singh, APP.
For the Nagar Parishad :	Mr. Kumar Manish, Advocate.
	Mr. Ankit Katriar, Advocate.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 01-05-2023 Heard Mr. Vasant Vikas, learned counsel appearing
on behalf of the petitioner; Mr. Uday Pratap Singh, learned APP
for the State and Mr. Kumar Manish, learned counsel assisted by
Mr. Ankit Katriar, learned counsel for the Nagar
Parishad,Hajipur.

2. The petitioner seeks pre-arrest bail in connection
with Hajipur Town P.S. Case No. 903 of 2014 registered for the
offence punishable under Sections 406, 420, 467, 468 and
120(B) of the Indian Penal Code.

3. 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 as
such work of more than Rs. 50 lakhs was executed.

4. Learned counsel appearing on behalf of the
petitioner submits that at the relevant point of time when the
alleged offence was committed, the petitioner was holding the



post of Assistant Engineer in Nagar Parishad Hajipur. Pursuant to the resolution and sanctioning of the plan in the meeting of Nagar Parishad Board, Hajipur by the Chairman, the work order was given by the Executive Officer, Hajipur to the Junior Engineer, Nagar Parishad, Hajipur to construct the market complex immediately and the payment of Rs. 13 lakhs was made by the Executive Officer, Nagar Parishad. It is further submitted that the petitioner has no concern with the alleged irregularity as the petitioner was neither a member of the Empowered Standing Committee nor a member of Nagar Parishad Board, Hajipur nor he is involved in execution of the aforesaid work in any manner. The Executive Engineer, Krishna Nandan Prasad Singh, the Junior Engineer Hem Chadra Lal Karn and the Executive Officer Prithviraj Srivastava who were involved in executive of the aforesaid work have already been granted anticipatory bail by co-ordinate Benches of this court vide order passed in Cr. Misc. No. 12975 of 2019, Cr. Misc. No. 3014 of 2019 and Cr. Misc. No. 34045 of 2020 respectively. Hence, the petitioner who is Assistant Engineer also deserves to be released on anticipatory bail.

5. The learned APP while contending the submissions of the learned counsel for the petitioner submits that from



perusal of the FIR, it appears that the scheme was approved without obtaining prior sanction of the Empowered Standing Committee by the Chairman. 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, the Executive Officer of Nagar Parishad made payment of Rs. 13 lakhs and committed financial irregularity.

6. Having heard the rival submissions of the parties and the fact that the Executive Office who has made payment of Rs. 13 lakhs for the work has already been granted anticipatory bail, the petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur Town P.S. Case No. 903 of 2014, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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