

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53002 of 2023

Arising Out of PS. Case No.-48 Year-2015 Thana- VIGILANCE District- Patna

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Kumar Jayant Prasad Son Of Late Kailash Prasad Resident Of Village-
Nehaluchak Po And Ps-Nawada District -NAWADA At Present Posted As
Chief Engineer, Mechanical, Irrigation Creation, Water Resources Dept.
Bhagalpur ... Petitioner

Versus

The State of Bihar

... Opposite Party

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Appearance :

For the Petitioner/s : Mr Krishna Pd.Singh, Senior Advocate
Mr.Rabindra Kumar, Advocate

For the Vigilance : Mr.Arvind Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 04-09-2023 Heard learned counsel for the petitioner and the
Vigilance.

2. Petitioner apprehends arrest in a case registered for
the offence punishable under sections 467, 468, 471, 409,
420/120B of the Indian Penal Code and sections 3(2) read with
13(i)(c) and (d) of the PC Act.

3. As per the prosecution case, while execution of
renovation work of the Kharagpur lake, petitioner who was
posted as Superintending Engineer, Irrigation Division,
Kharagpur from 25.2.2009 to 17.6.2009, submitted an
inspection report dated 20.3.2009 which ended in wrongful
payment of Rs. 52 lacs to the contractors causing loss to the
State exchequer.

4. Learned counsel appearing for the petitioner
submits that the petitioner's name has been dragged in this case
only on suspicion. He submits that renovation work in question



had been done since 9.1.2009 to 19.1.2009, whereas petitioner was posted as Superintending Engineer in Irrigation Circle 2, Jamui and was in additional charge of the concerned Irrigation Circle 1, Jamui since 25.2.2009 to 17.6.2009. Kharagpur comes under Irrigation Circle 1, Jamui. Thus, the alleged renovation work of the Kharagpur lake has been completed prior to taking additional charge of the said Irrigation Division, and as such, he cannot be held responsible for any fraud. Petitioner claims clean antecedent.

5. Learned counsel for the Vigilance opposes the prayer for bail. He submits that the petitioner who was posted as Superintending Engineer, Irrigation Division, Kharagpur from 25.2.2009 to 17.6.2009, submitted an inspection report dated 20.3.2009. In the said inspection report, he did not submit any adverse comment despite the aforesaid irregularities committed by the accused persons in the said supply of boulders. He further submits that soon after submission of the inspection report by the petitioner, a technical inspection of the site was conducted by the leopard team on 2.4.2009 which team conducted measurement of the site and found that the measurement with regard to supply of boulders is false. Thus, this act of the petitioner shows that he, in league with other



officials, by submitting a collusive inspection report, cleared the way for wrongful payment of public money to the contractors causing wrongful loss to the State exchequer.

6. Considering the nature and gravity of accusation, prayer for bail of the petitioner is rejected.

(Prabhat Kumar Singh, J)

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