

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56212 of 2023

Arising Out of PS. Case No.-555 Year-2022 Thana- JAGDISHPUR District- Bhojpur

Ravi Kumar, S/O Dip Narayan Prasad, R/O Mohalla- Ward No. 13, Kasab Mohalla, Opposite State Bank Of India, Jagdishpur, P.S- Jagdishpur, Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aryan Singh, Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 09-11-2023 Heard Mr. Aryan Singh, learned counsel appearing on behalf of the petitioner and Mr. Nirmal Kumar Sinha, learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Jagdishpur P.S. Case No. 555 of 2022, registered for the offences punishable under Sections 406, 409 and 34 of the Indian Penal Code.

3. It is alleged that in course of execution of a scheme for construction of R.C.C. drainage alongwith its cover in Ward No. 14, several irregularities have been found resulting into lodging of the FIR. It is alleged that the work agreement has been executed in favour of the petitioner without having been any administrative sanction of the Board and the work was



directly allotted to the petitioner without following any paraphernalia which is required under the law. Further allegation has been levelled that the petitioner being contractor has realized the Government money without completing the work on the basis of the measurement book in connivance with the Junior Engineer, Executive Engineer and the Executive Officer.

4. It is submitted on behalf of the petitioner that the petitioner happens to be contractor, who has been assigned to construct R.C.C. drainage, alongwith cover, under ward no. 14 and so far the allegation, there was no Board meeting and administrative sanction for which the petitioner cannot be held responsible. He next submitted that the petitioner has completed the work and on the basis of the measurement book, entire payment has been made. However, after having made certain complaint when the petitioner came to know, he again visited the site and repaired all the drainage alongwith cover, which fact also fortified during the course of investigation. He next submitted that the entire allegation, as made in the FIR, is revolving around the Executive Officer, Executive Engineer and Junior Engineer and the petitioner has been made only a scapegoat. He lastly submits that irrespective of all the materials, the petitioner is ready to co-operate in the



investigation and participate in any inquiry, if it would be done by independent authority.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that the role of the petitioner, in misappropriating the Government money, cannot be ruled out, as he has executed the work without any valid agreement and administrative sanction, moreover, he has realized the Government money without completing the work.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that during the course of investigation it has found that the R.C.C. drainage and its cover is already found at the site coupled with the undertaking given by the petitioner before this Court and his fair antecedent, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.25,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate 1st, Bhojpur, Ara in connection with Jagdishpur P.S. Case No. 555 of 2022, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors



shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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