

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65409 of 2023

Arising Out of PS. Case No.-179 Year-2023 Thana- ATRI District- Gaya

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Danish Eqbal Son Of Md. Neyamuddin Ansari Resident Of Village -
Panchanpur, P.S. - Tekari, District - Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravi Kumar, Advocate

For the Opposite Party/s : Mrs.Sharda Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 20-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Atri P.S. Case No. 179 of 2023, registered on 11.04.2023 for the offences under Sections 409, 419, 420/34 of the Indian Penal Code.

3. As per prosecution case, irregularities were found in rural engineering work and the petitioner and other co-accused persons were made accused on the allegation that they were involved and helped beneficiary contractor in getting no objection certificate with regard to due completion of the allotted work. Further allegation against the petitioner is that he did not properly maintain the measurement book for the work done by the contractor.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The petitioner is working as Technical Assistant and his duty is to maintain the measurement book of the project. Seven schemes in which irregularities were found were with regard to maintenance of water bodies and filling of soil and earth work. After the monsoon season there has been differences from the measurement book since much erosion has taken place and the report submitted by the joint enquiry committee was not proper. Further, the petitioner has no role in making payment to the concerned contractor and even the said contractor has not been made accused in this case. Co-accused Prakhnd Pramukh has been granted anticipatory bail by the learned court below. The petitioner has got no criminal antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the allegation against the petitioner appears to be quite remote and further considering the possibility of false implication, the petitioner above named in the event of his arrest or surrender before the court concerned within a period of eight



weeks from today, be released on bail, on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya/concerned court in connection with Atri P.S. Case No. 179 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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