

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20143 of 2024

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

Bhola Baitha Son of Late Munshi Baitha Resident of Village- Semrahiya,
Ward No. 02, P.S.- Chauradano, Dist.- East Champaran

... .. Petitioner

Versus

The State of Bihar through the Vigilance, Patna Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Diwakar Upadhyaya, Advocate

For the Opposite Party : Mr.Arvind Kumar, Law Officer, Vigilance

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 27-09-2024

Heard learned counsel for the parties.

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, during execution of renovation work of the Kharagpur lake, petitioner who was posted as SDO, Engineer, Irrigation Division, Tarapur, Kharagpur from 5.12.2009 to 30.6.2014, 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 petitioner's name has been dragged in this case only on suspicion. He submits that the petitioner was posted as SDO, Irrigation Division, Tarapur, Kharagpur from 5.12.2009 to 30.6.2014, and thereafter he was transferred to Patna as CDO. Therefore, petitioner was not posted at the relevant time of alleged incident of bogus bolder supply and pitching i.e. from



9.1.2009 to 18.1.2009. He joined much after the said incident. Petitioner never took measurement of boulders carriage and has made any payment to the contractor. Charge sheet has already been submitted. Co-accused Jay Prakash Singh with similar allegation, has already been allowed pre-arrest bail by this Court vide order dated 13.9.2024 passed in Cr.Mis.No. 32893/2024.

5. Learned counsel for the Vigilance opposes the prayer for bail.

6. Considering the aforesaid facts of the case, prayer for bail of the petitioner is allowed. In the event of arrest/surrender within eight weeks from today, let the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Special Judge, Vigilance (Trap), Bhagalpur or his successor court in Patna Vigilance Police Station Case No. 048 of 2015, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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