

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21780 of 2024

Arising Out of PS. Case No.-534 Year-2023 Thana- MUFFASIL District- West Champaran

1. Chandan Kumar, son of Sita Ram Rajak, Village-Dharhara PS -Dharhara District- Munger the Executive Engineer, Water Drainage Division Bettiah
2. Shambhu Paswan, son of Late Dayaram Paswan, Village- Parmanandpur Ps- Muffasil Dist- Khagaria the Assist. Engineer, Water Drainage Sub Division Raxaul
3. Ritesh Raj Shrivastava @ Rajesh Raj Srivastava, son of Rameshwar Prasad Srivastava R/o- H. No-412, Ps- Town Motihari Dist- E. Champaran the Junior Engineer, Water Drainage, Sub Division Raxaul
4. Pramod Kumar, son of Shanker Sah, R/o- W.No-5, Bishunpur Shivram Ps- Balua Bazar Dist- Supaul the Posted Junior Engineer Water Drainage Sub Division Raxaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rama Kant Sharma, Sr. Advocate
Mr. Ravi Ranjan Kumar, Advocate
For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-04-2024 Heard learned counsel for the petitioners and learned APP
for the State.

2. In this present case, the petitioners are apprehending their arrest in connection with Bettiah Muffasil P.S. Case No. 534 of 2023, registered on 06.08.2023 for the offences under Sections 420, 511/34 of the Indian Penal Code.

3. As per prosecution case, petitioners are alleged to have shown more work, than they performed, towards steps taken for the flood control. Further allegation against the



petitioners, who are Executive Engineer and his subordinates, is that they put pressure on the concerned official for backdating of data and making correction in stock register.

4. Learned senior counsel appearing on behalf of the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Petitioner no.1 was himself the Executive Engineer and there can be no occasion for him to put pressure on any of his subordinates to make any wrong entry. The whole case is based on assumption of the informant that some wrong doing has been committed by showing more work than which was actually done by the petitioners but it is not a case of misappropriation of Government articles. There has been no misappropriation of any Government fund as well. The stocks were tallied with the software and no misappropriation was found. The petitioners were proceeded departmentally and they have been put under suspension. Petitioner no.1 submitted his show cause/explanation and he has explained all the circumstances but there is no case of negligence on the part of the petitioners who are being proceeded departmentally and truth would come out with fixing of the responsibility. If the petitioners are found guilty, they would be liable to make good the loss to the Government exchequer. Petitioners are responsible Government servant and there is no occasion for them to avoid the legal process and they



will cooperate with the investigation. Learned senior counsel further submits that the petitioners are having clean antecedent.

5. Learned APP opposes the prayer for anticipatory bail. Learned APP further submits that there is specific allegation against the petitioners for causing loss to the Government and making wrongful gain by their act. However, he concedes that no specific allegation of the quantum of loss has been mentioned in the FIR.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the probability of false implication when the petitioners are already subject to departmental proceeding and also considering the clean antecedent of the petitioners, let the petitioners above named, in the event of their 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. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, West Champaran, Bettiah/concerned court in connection with Bettiah Muffasil P.S. Case No. 534 of 2023, subject to the conditions 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 petitioners.



(ii) The petitioners 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)

balmukund/-

U		T	
---	--	---	--

