

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66696 of 2023

Arising Out of PS. Case No.-149 Year-2022 Thana- SHANKARPUR District- Madhepura

Amrendra Kumar S/O Late Chandeshwar Paswan, The Then Junior Engineer, Local Area Engineering Organization, Works Division, Madhepura, R/O Village-Kolwara, P.S.-Parbatta, Distt.-Khagaria, Presently Posted Local Area Engineering Organization, Works Division, Jagdishpur Under Aara (Bhojpur), Distt.-Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Adv.

For the Opposite Party/s : Mr. Dilip Kumar No.1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 22-01-2024 Heard Mr. Pankaj Kumar, learned counsel for the
petitioner and Mr. Dilip Kumar No. 1, learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 420, 409, 467, 468, 471 of the Indian Penal Code.

3. As per the prosecution case, it is alleged that the petitioner has made defalcation of Government money i.e. Rs. 4,13,330/- and neither voucher nor Measurement Book accounts was produced before the competent authority in spite of several reminders.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner is J.E. in the said Department. He submits that, as per the allegation made in the F.I.R., sum of Rs. 4,13,330/- has been defalcated of government



money, but in the same F.I.R. it is admitted that the said work was completed, but the same F.I.R. has been lodged due to non submission of Measurement Book and voucher of works. He further submits that the departmental proceeding has also been initiated against the petitioner but later on he was exonerated from the departmental proceeding for the same allegation. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes prayer for anticipatory bail, stating that an inquiry was set up in this regard and the team reported that the sum of Rs. 4,13,330/- was still un-adjusted and hence recoverable from the petitioner.

6. Considering the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Shankarpur P.S. Case No. 149 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

anand/-

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