

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74008 of 2024

Arising Out of PS. Case No.-997 Year-2022 Thana- ARA NAGAR District- Bhojpur

Bijay Kumar Son of Late Kamleshwari Prasad Resident of House No M-16
Sector 1 Housing Board Colony PO and PS- Barari, Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 18-10-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Ara Town P.S. Case No. 997 of 2022 dated 02.12.2022,
instituted for the offence punishable under Sections 409, 420,
467, 471 of the Indian Penal Code.

3. The prosecution case, in short, is that, an enquiry
was conducted with regard to work done by the Municipal
Corporation in which it was found that there are discrepancies in
the work done by the contractor. In the context of irregularities,
the report was submitted by the Inquiry Committee constituted
by District Magistrate, Bhojpur, which found irregularities in the
schemes and as per the directions of the District Magistrate
F.I.R. was lodged.



4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. The petitioner is the then Chief Municipal Engineer/Executive Engineer. Allegation against the petitioner is that he made recommendation for payment to the contractor relating to works as mentioned in the FIR. It is also submitted that he has not paid the amount to the contractor. It is submitted that allegation narrated in the FIR does not disclose any criminal offence against the petitioner and the present case is purely civil in nature. The petitioner superannuated from the post of Chief Municipal Engineer/Executive Engineer w.e.f. November, 2019 and the enquiry was held in the month of September 2022 after retirement of the petitioner. It is next highlighted that the contractor, who received the alleged amount, has been granted anticipatory bail by this Court *vide* order dated 07-11-2023 passed in Cr. Misc. No. 65588 of 2023 and other co-accused have also been granted bail by Co-ordinate Benches of this Court *vide* orders dated 21-07-2023 and 28-07-2023 passed in Criminal Miscellaneous Nos. 29415 of 2023 and 30854 of 2023 respectively. Lastly, it has been submitted that the petitioner has no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of



the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Ara Town P.S. Case No. 997 of 2022, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur at Ara, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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