

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36242 of 2025

Arising Out of PS. Case No.-148 Year-2023 Thana- SAHPUR District- Bhojpur

Mukesh Kumar S/O Bimlendu Narayan Shashi Permanent R/O Village-
Chaumukh, P.S.- Bochahan, District- Muzaffarpur- 843103. Presently posted
as a Junior Engg. at Minor Irrigation Dept, Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate
	:	Mr. Abhay Kumar, Adocate
For the Opposite Party/s	:	Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 30-07-2025 Heard Mr. Yogesh Chandra Verma, learned senior
counsel for the petitioner and Mr. Rajendra Prasad Nat, learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Shahpur P.S. Case No. 148 of 2023, F.I.R. dated
03.04.2023 for the offences punishable under Sections 420, 406,
409, 34 of Inidan Penal Code.

3. As per the First Information Report, it is alleged that
one Salik Singh was appointed as contractor for execution
regarding renovation of Government Tube well and accordingly
Rs. 05,36,000/-- was given to the said contractor and the
petitioner was appointed to supervise the work but during
enquiry it was pointed out that no work was physically done at



the site. Hence the FIR.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. The petitioner is the government employee and he is holding a post of Junior Engineer in the Minor Irrigation Department. It appears from the FIR itself that the petitioner has not received any amount for renovation of Government Tube Well No.36. Infact one Salik Singh has been appointed as contractor in the present case and he has received Rs.05,36,000/-(Rupees Five Lakh Thirty Six Thousand) and allegation against the petitioner is only that he has not looked properly of the aforesaid scheme. Infact the petitioner has already informed the senior authority about the same and after that the Executive Engineer has informed the District Magistrate, Bhojpur, Ara with respect to the present case in question.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that due to negligence of the petitioner, the scheme in question has not been completed and the petitioner along with other co-accused persons have received the amount without completing the work in question.



6. Considering the aforesaid facts and circumstances, the petitioner has clean antecedent and he has not received any amount for the renovation of Government Tube Well No.36 and Mukhiya and Panchayat Secretary to the Gram Panchayat has made payment to the contractor and the petitioner has no role in the present occurrence, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. 1st Bhojpur, Ara in connection with Shahpur P.S. Case No. 148 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to



move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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