

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70199 of 2024

Arising Out of PS. Case No.-34 Year-2022 Thana- VIGILANCE District- Patna

Uttam Prasad S/O Late Lal Jee Prasad R/O Village- Kalopatti, P.O- Madhgar,
Via Hathua, P.S- Mirganj, Distt.- Gopalganj, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Department of Vigilance Investigation Bureau, Patna. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Kumari Chandna, Advocate
For the State	:	Mr. Shailendra Kumar Singh, APP
For the Vigilance	:	Mr. Arvind Kumar, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 29-01-2025 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned Spl. P.P. for the Vigilance.

2. The petitioner apprehends his arrest in a case registered under Sections 406, 409, 420, 467, 468, 471, 120 (B) of the Indian Penal Code and Sections 13(2) read with Section 13 (1) (C) of Prevention of Corruption Act, 1988.

3. It is alleged that petitioner along with other accused persons embezzled the money amounting to Rs. 1,75,00,612/- when they were then engineers and contractors in the construction against the Agreement No. 3F2/2005-06. It is further alleged that altogether 221 Items had to be constructed in respect to the said agreement in the year 2005-06 and 2006-07. But only 132 constructions were found available. It is also



alleged that the payments against all 221 constructions were made to the tune of Rs. 11,32,14,276/- to the contractor.

4. Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and has falsely been implicated in the present case after retirement of his job only on suspension. Further submission is that petitioner retired from the post of Junior Engineer on 31.10.2016 and the said work is related to the year 2005-06 and 2006-07. During his service period, no irregularity was found and after lapse of about 18 years of the agreement, this case has been lodged. It is next submitted that the charge-sheet has already been submitted in this case. Custodial interrogation is no more required. There is no allegation of tampering with the evidence against the petitioner. Similarly situated co-accused persons have already been granted bail by this Court vide orders dated 29.04.2024 and 13.09.2024 passed in Cr. Misc. Nos. 18058 of 2024 and 40358 of 2024 respectively. Petitioner is an old man having aged about 68 years and has got no criminal antecedent.

5. Learned Spl. P.P. appearing on behalf of the Vigilance vehemently opposed the bail application and submitted that as per rule, the measurement of the work is taken by Junior Engineer and the same is recorded in the measurement book and



on its basis he prepared the bill, and at the relevant time, this petitioner was Junior Engineer and the payment in excess of Rs. 1,75,00,612/- was made to the accused contractor on the basis of measurement of the work done by this petitioner.

6. Having considered the accusation and the fact that it was this petitioner who wrongly entered the measurement of the work, and the same was recorded in the measurement book, and on the basis of that measurement book, a huge amount of government money was embezzled, prayer for bail of the petitioner is rejected.

(Prabhat Kumar Singh, J)

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