

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.80443 of 2024**

Arising Out of PS. Case No.-74 Year-2018 Thana- DHORAIYA District- Banka

Brij Kishore Rai @ Braj Kishore Ray Son of Late Ramagya Rai R/o Vill.-  
Birpur, P.S. - Birpur, District - Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                                                                                                            |
|--------------------------|---|----------------------------------------------------------------------------------------------------------------------------|
| For the Petitioner/s     | : | Mr. Ramakant Sharma, Sr. Advocate<br>Mr.Sourav Suman, Advocate<br>Ms. Pragati, Advocate<br>Mr. Sarweshwar Tiwari, Advocate |
| For the Opposite Party/s | : | Mr.Nirmal Kumar Sinha, APP                                                                                                 |

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

4      10-01-2025

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of anticipatory bail apprehending his arrest in connection with Dhoraiya P.S. Case no. 74 of 2018 registered under sections 420 and 409 of the Indian Penal Code.

3. As per the prosecution case, Hirambi Beer bandh was constructed on Rukouli river in the year 2008-09. It is stated by the informant Executive Engineer that on inquiry being conducted by the Flying squad irregularities were detected and eight Officers of the department were found guilty of illegal act and of making irregular payment and the officers included the petitioner herein. As such the F.I.R.

4. Learned Senior counsel appearing for the petitioner



submits that from the contents of the F.I.R itself it would transpire that the allegation relates to irregular payment of work with respect to construction of the *bandh* which took place in the year 2008-09. The petitioner has been falsely implicated in the case for the reason that at the relevant time he was posted at the place in the question in the capacity of an Executive Engineer. He retired from service on 28.2.2010 and eight years thereafter that the instant F.I.R has been instituted under sections 409 and 420 of the Indian Penal Code. The petitioner is over 70 years in age and has no criminal antecedent. He undertakes to cooperate in the case/trial.

5. Heard learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegation against the petitioner in the F.I.R, the allegation relating to payment over construction work which had taken place as far back as in the year 2008-09 leading to institution of the F.I.R more than 10 years later and especially the petitioner not having any criminal antecedent, the Court is inclined to enlarged the petitioner on bail.

7. In view of the facts and circumstances of the case, the provisional bail granted to the petitioner in connection with



Dhoraiya P.S. Case no. 74 of 2018 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka is hereby confirmed.

**(Partha Sarthy, J)**

Harsh/-

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