(2026:JHHC:31518)

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.3929 of 2018

Sheo Shankar Prasad aged about 68 years, S/o Late Nanku Singh, Resident of Village-Delha, P.O.-Delha, P.S.-Delha, District-Gaya (Bihar).

… Petitioner

Versus

1. The State of Jharkhand
2. Alka Kumari, posted as B.D.O. at Barkagaon, P.O. + P.S.-Barkagaon, District-Hazaribagh.

… Opposite Parties

For the Petitioner : Mr. Umesh Kr. Choubey, Advocate
For the State : Ms. Vandana Bharti, Addl.P.P.
For the O.P. No.2 : Mr. Sumit Prakash, Advocate
: Mr. Nitish Kumar, Advocate

P R E S E N T

HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

I.A. No.11623 of 2026

Heard the parties.

Learned counsel for the petitioner submits that this interlocutory application has been filed with the prayer to delete the name of the opposite party no.2 from the array of the parties in the cause title of this Cr.M.P. as the opposite party no.2 has expired.

Considering the aforesaid facts, prayer is allowed.

Registry is directed to delete the name and description of the opposite party no.2 from the cause title of this Cr.M.P. and re-number the present opposite party no. 3 as opposite party no. 2 with red ink.

This interlocutory application stands allowed, accordingly.

(Anil Kumar Choudhary, J.)

Cr.M.P. No.3929 of 2018

By the Court:- Heard the parties.

2. This Criminal Miscellaneous Petition has been filed invoking the jurisdiction of this Court under Section 482 of the Code of Criminal Procedure with the prayer to quash and set aside the First Information Report in connection with Barkagaon P.S. Case No.191 of 2017 corresponding to G.R. Case No.3145 of 2017 and its subsequent entire criminal proceeding registered for the offences punishable under Sections 420/406/409 of the Indian Penal Code against the petitioner.

3. The allegation against the petitioner is that the petitioner in capacity of a public servant has committed criminal breach of trust and has also cheated the government by ensuring that a substandard bridge is constructed over the river Haharo within Barkagaon block of the district of Hazaribagh. On the basis of the written report submitted by the Block Development Officer, Barkagaon consequent upon inspection of the said bridge by joint team of Engineers and Administrative Officers; wherein it was found that the quality of the construction of the said bridge was substandard-01 resulting in collapsing of the said bridge and *inter alia*, the

petitioner being the Junior Engineer did not supervise the construction of the said bridge properly; obviously with the intention of cheating the government and misappropriating the government money.

4. On the basis of the said written report, police registered Barkagaon P.S. Case No.191 of 2017 and it is submitted by the learned counsel for the petitioner that the investigation of the case is still going on.

5. Learned counsel for the petitioner submits that the petitioner has not committed any offence. It is then submitted that though, initially the proposed design of the bridge was prepared and approved by the Chief Engineer, but later on, the contractor has submitted a different D.P.R. (Detail Project Report) of the bridge where the structural design of the bridge has been changed. It is next submitted that as per the circular of PWD, the Junior Engineer is not competent to look into the matter of structural design of the bridge. It is then submitted that though the construction of the bridge was completed in February 2007 but the inspection report of the bridge was submitted on 24.08.2016 and during the said period, huge amount of sand was removed and smuggled from both ends resulting in formation of delta in floor bed area of the bridge and it changed the flow of water from both ends and by removal of such sand in huge quantity, damage was caused to the bridge from both ends. It is further submitted that due to unprecedented very heavy rain approach road of bridge of one side was washed away and one part of one side was damaged. It is next submitted that the aforesaid reasons were the real cause for early damage, resulting in the collapse of the

bridge. It is then submitted that for the non-maintenance of the bridge, later on, the petitioner cannot be held responsible. It is further submitted that the petitioner was transferred from Hazaribagh Division on 30.07.2011, so he cannot be held responsible for non-maintenance of the bridge thereafter and the petitioner also superannuated from his service in 2013, hence, it is lastly submitted that the prayer, as prayed for in the instant Cr.M.P, be allowed.

6. Learned Addl.P.P. appearing for the State and the learned counsel for the opposite party No.2 on the other hand vehemently oppose the prayer of the petitioner made in the instant Cr.M.P by drawing attention of this Court to the counter affidavit filed by the State and submits that during the investigation, as mentioned in para-20 of the case diary, materials regarding the involvement of the petitioner in the said offence of cheating and criminal breach of trust has been collected. It is next submitted that the name of the petitioner has also come in re-statement of the informant and in para-21 of the case diary as well as the statement of the witness Rajesh Kumar Pathak, DDC, Hazaribagh, at para-22, the witness Ram Nivas Yadav (IAS Prob), at para-23, the witness Om Prakash Yadav (Executive Engineer), at para-24, the witness Chandra Bhushan Sinha (Engineer-District Board) have also supported the prosecution case specifically stating that the construction of the bridge in question was to be observed and supervised by the present petitioner along with others. It is then submitted that during the course of investigation at para-77 of the case diary, it has come that in the light of the decision taken in the

meeting of SEIAA, Jharkhand, the plea taken by the petitioner that due to mining of sand, bridge was demolished is fallacious. It is further submitted that in view of the direct and specific allegation against the petitioner, there is no rhyme or reason to quash the entire criminal proceeding when the investigation of the case is still going on but is slow because the pendency of this case. Therefore, it is submitted that this Cr.M.P., being without any merit, be dismissed.

7. Having heard the rival submissions made at the Bar and after carefully going through the materials available in the record, this Court finds that there is direct and specific allegation against the petitioner of cheating the state government by inducing the state government to pay money to the contractor for construction of a substandard bridge on the river Haharo within the jurisdiction of Barkagaon block in the district of Hazaribagh and because of the petitioner being the public servant having committed criminal breach of trust by being instrumental in embezzling the government property; has resulted in construction of substandard bridge which collapsed untimely and the contention of the petitioner raised in this Cr.M.P. are at best, the defence of the petitioner which the petitioner can put forth before the Investigating Officer and if not satisfied with the appreciation of the same by the Investigating Officer and if the Investigating Officer still files charge sheet against the petitioner, then he can raise his defence at the appropriate stage before the concerned court, but this Court is of the considered view that if the allegations made against the petitioner are considered to be true in their entirety, then the

offences in respect of which the FIR has been registered is made out against the petitioner as well as the co-accused persons who were responsible for construction of the bridge of substandard quality obviously with ulterior motives for their personal gain at the expense of the state exchequer.

8. Under such circumstances, this Court considering the fact that the investigation of the case is going on against the petitioner for serious nature of allegations, is of the considered view that this is not a fit case where the entire criminal proceeding is to be quashed and set aside at this stage.

9. Accordingly, this Cr.M.P., being without any merit, is dismissed.

10. In view of disposal of the instant Cr.M.P., the interim relief granted, if any, is vacated.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 28th of October, 2026
AFR/ Abhiraj

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