

**IN THE HIGH COURT OF JHARKHAND AT RANCHI
B.A. No. 315 of 2024**

Dilip Kumar aged about 48 years, S/O Jai Kishun Ram, R/O Mohalla No.2 town, Income Tax Road, redma, Near Pani Tanki, Railway Colony, P.O. & P.S. Daltonganj, District Palamau, Jharkhand. **Petitioner**

Versus

The State of Jharkhand through ACB **Opp. Party**

CORAM: HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD

For the Petitioner : Mr. R.S. Mazumdar, Sr. Advocate

For the Opp. Party : Mrs. Priya Shreshtha, Spl. PP

Order No.04/Dated: 22nd March, 2024

1. The instant application has been filed under Section 439 and 440 of the Cr.P.C. seeking therein direction to enlarge the petitioner on regular bail in connection with Vigilance P.S. Case No.14 of 2017, arising out of Palamau ACB P.S. Case No.13 of 2017, registered for the offence under Sections 406, 409, 420, 467, 468, 469, 471 and 120B of the Indian Penal Code and Section 13(2) read with 13(1)(c)(d) of the Prevention of Corruption Act, pending in the court of learned Special Judge, ACB, Palamau at Daltonganj.

2. It has been submitted by Mr. R.S. Mazumdar, learned senior counsel appearing for the petitioner, that it is a case where the petitioner has falsely been implicated even though he has got not involvement in the commission of crime said to have been alleged as per the F.I.R.

3. It has been contended that the contractor was allotted the work for its execution as per the valid process of allotment of work. The work commenced and thereafter

on its completion, when the bills were submitted, the concerned Executive Engineer has given completion certificate as is available at page 42 of the paper book.

4. Learned Senior counsel appearing for the petitioner has taken further ground that one of the co-accused, namely Mahesh Prasad, who was holding the post of Junior Engineer during the relevant time, has already been directed to be released on regular bail by the Coordinate Bench vide order dated 08.05.2023 in B.A. No.13813 of 2022.

5. Hence, the prayer has been made that more accountability is on the public servant, i.e., the Junior Engineer, Assistant Engineer and Executive Engineer, and all these engineers have been implicated in the present case but one of the public servant who was Junior Engineer during the relevant time, has already been directed to be released on bail, therefore, the case of the petitioner may also be considered for regular bail taking into consideration the fact that the petitioner is languishing in judicial custody since 06.12.2023 and the chargesheet has already been submitted.

6. While on the other hand, Mrs. Priya Shrestha, learned Special Public Prosecutor appearing for the State, has vehemently opposed the prayer for bail.

7. The ground has been taken that it is a case where the petitioner has been found to be the ultimate beneficiary of embezzlement of public money.

8. It has also been contended that so far as the ground of parity with the Junior Engineer who was posted during the relevant time as Site Engineer is concerned, the Court has granted him bail on the condition of depositing Rupees One Lakh as personal bond.

9. The ground of criminal antecedent has also been taken by the learned Special Public Prosecutor.

10. In response to the ground of criminal antecedent, learned senior counsel appearing for the petitioner has submitted that the aforesaid criminal antecedents also pertain to the allegation of like nature.

11. This Court has heard learned counsel for the parties, gone across the averments made in the present petition as also the finding recorded by the learned court while considering the prayer for regular bail.

12. The admitted fact herein is that the petitioner happens to be the contractor and the ground has been taken that the amount has been paid after completion of the said work as also one of the accomplice, who was holding the post of Junior Engineer, has already been granted the privilege of bail.

13. This Court, considering the fact that the co-accused person, namely, Mahesh Prasad, has been granted benefit

of regular bail by the Coordinate Bench vide order dated 08.05.2023 passed in B.A. No.13813 of 2022 and further, the petitioner is languishing in judicial custody since 06.12.2023 and chargesheet has been submitted, is of the view that the present application is to be allowed.

14. Accordingly, the instant bail application stands allowed.

15. In consequence thereof, the petitioner named above, is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, ACB, Palamau at Daltonganj in connection with Vigilance P.S. Case No.14 of 2017, arising out of Palamau ACB P.S. Case No.13 of 2017 subject to the conditions that the petitioner shall co-operate in the trial. In failure, the learned trial court shall have liberty to pass appropriate order in accordance with law so that trial be not hindered.

(Sujit Narayan Prasad, J.)

Birendra/-