

(2017) 02 JH CK 0118
In the Jharkhand High Court
Case No : 4058 of 2016

Ankura Gope @ Dudi Gope

APPELLANT

Vs

The State of Jharkhand

RESPONDENT

Date of Decision : 07-02-2017

Acts Referred:

[Indian Penal Code, 1860](#), [Section 420](#),
[Section 468](#), [Section 471](#), [Section 467](#), [Section 409](#), [Section 34](#)

Citation : (2017) 02 JH CK 0118

Hon'ble Judges : Anant Bijay Singh

Bench : SINGLE BENCH

Advocate : Mohit Prakash

Final Decision : Dismissed

Judgement

1. The petitioner is apprehending his arrest in connection with Ramgarh P.S. Case No. 208 of 2011 corresponding to G.R. No. 2217 of 2011, the case registered under Sections 409, 419, 420, 467, 468, 471 / 34 of the Indian Penal Code on the basis of written complaint lodged by Awadhesh Kumar, Rural Development Special Division, Hazaribagh.

2. Heard learned counsel for the petitioner and learned counsel for the State.

3. The prosecution case in short is that Sri Awadhesh Kumar, Executive Engineer, Rural Development Special Division, Hazaribagz filed a written complaint alleging that one Sri Sunil Kumar, the petitioner, presently posted as Assistant Engineer at Rural Development Special Division, Chatra, Shri Madho Prasad Singh, presently posted at Rural Development Special Division, Pakur as Junior Engineer and Shri Harishankar Choudhary Junior Engineer presently posted at Rural Development Special Division, Hazaribag and Basudeo Prasad, Junior Engineer, presently posted at Rural Development Special Division, Hazaribag have defalcated Government money and also mishandled the official documents.

4. It is further alleged that for construction of Mahila I.T.I at Ramgarh, the total estimated cost was Rs.80,77,160/- was assigned to Shri Gumani Ravidas, the then Executive Engineer. Out of the aforesaid amount Shri Gumani Ravidas paid Rs.50,00,000/- to the petitioner Sunil Kumar and the construction work was done by Shri Madhav Prasad Singh, Junior Engineer and Shri Harihar Singh (since retired) and the measurement book was filed up by them. Thereafter, during investigation, it was found that the quality of the work was poor and the measurement book was also not available in the office. It was

further alleged that out of total amount of Rs. 50,00,000/- the work was done only for Rs. 34,04,000/-. Hence, there is allegation embezzlement of Rs.15,96,000/- against the above named engineers. It is further alleged that although the measurement book is an important Government document, which was kept with Shri Harihar Singh (since retired) but the same had not been presented by him in the office. Shri Sunil Kumar, Assistant Engineer has also not taken any steps for production of the measurement book.

5. It was also alleged that for construction of Purush(Male) I.T.I. at Ramgarh the total estimated cost was Rs. 3,35,39,453/-. The aforesaid amount was assigned to Shri Gumani Ravidas, the then Executive Engineer, Shri Deodarshan Singh, Incharge Executive Engineer and Shri Jawahar Sah the then Executive Engineer and out of the aforesaid amount only Rs. 3,15,39,453/- was paid to Shri Sunil Kumar, Assistant Engineer for construction of Purush I.T.I at Ramgarh. The construction work was executed by Shri Madho Prasad Singh, Assistant Engineer, Shri Harishankar Choudhary, and Shri Basudeo Prasad and the measurement book was filed up by them. During investigation, some discrepancy was found in the measurement book. It was also found discrepancy between the actual work done and the measurement filled up in the measurement-book. Hence, there is gross allegation found in the measurement book against Shri Madho Prasad Singh Junior Engineer, Shri Harishankar Choudhary, Shri Basudeo Prasad, Shri Sunil Kumar Assistant Engineer, Shri Gumani Ravidas the then Executive Engineer, Shri Deodharshan Singh and Shri Jawahar Sah.

6. Learned counsel for the petitioner submitted that the amount was disbursed by the then Executive Engineer and was given to the petitioner to hand over the same to the Junior Engineer and hence the petitioner had given Rs.30,00,000/- to the Junior Engineer Madho Prasad Singh and Rs.20,00,000/- for construction of Mahila I.T.I and Rs. 2,30,00,000/- to the Junior Engineer Basudeo Prasad and also Rs. 20,00,000/- to the Junior Engineer Harishankar Singh and the hand receipt of the receiving of the said amount was given by the Junior Engineer after receiving. Copy of the aforesaid receiving is annexed as Annexure-2. Learned counsel for the petitioner had further submitted that petitioner being the Assistant Engineer had no role to maintain the measurement book, though it was to be maintained by the Junior Engineer.

7. Learned A.P.P while opposing the prayer for bail of the petitioner submitted that he has filed the counter-affidavit. Relying upon the paragraph Nos. 4 and 5

of the counter-affidavit, which reveals that at para-63 and para-70 of the case diary, it is mentioned that the petitioner had withdrawn the aforesaid amount and misappropriated the Government Fund. It is further submitted that at para-63 of the case diary, the subsequent statement of the informant-Awadhesh Kumar has been recorded, who has supported the case of the prosecution and has categorically alleged that there was discrepancy in the measurement book and also the advance amount to the tune of Rs.315.39 lakh, which was paid to the petitioner-Sunil Kumar. At para-77, the I.O of the case has mentioned that Shri Sah time to time had given money to Shri Sunil Kumar, Assistant Engineer for construction of Mahila and Purush I.T.I., at Ramgarh. Lastly, it was submitted that from perusal of para-165 of the case diary, it appears that on the basis of the materials collected by the I.O., it appears that prima facie case has been found to be true against the petitioner.

8. Considering the fact and circumstances of the case, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, prayer for anticipatory bail of the petitioner is rejected.