

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19882 of 2015

Arising Out of PS.Case No. -175 Year- 2007 Thana -SHASTRINAGAR District- PATNA

1. Santosh Kumar son of Late Amarendra Kumar Jha, resident of 18, Manas Marg, Road No. 2, West Shivpuri, P.S.- Shastrinagar, Dist- Patna

.... Petitioner/s

Versus

1. The State of Bihar through Vigilance Commissioner (Cabinet Vigilance), Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.21839 of 2015

Arising Out of PS.Case No. -175 Year- 2007 Thana -SHASTRINAGAR District- PATNA

1. Radhey Prasad Chaurasiya son of late Bhagat Chaurasiay Resident of Ram Janki Nagar, gonma Road, Harnaut, P.s. Harnaut, District Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar null null

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.19882 of 2015)

For the Petitioner/s : Mr. Tuhin Shankar
For the Vigilance : Mr. Santosh Pandey

(In Cr.Misc. No.21839 of 2015)

For the Petitioner/s : Mr. Bibhuti Pd. Pandey
For the Vigilance : Mr. Santosh Pandey.

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

4 01-10-2015 Both the above-said petitions arise out of Shastrinagar P.S. Case No. 175 of 2007 corresponding to Special Case No. 13 of 2011 registered under Sections-466, 467, 468,471, 474, 420/34 of the Indian Penal Code and Section-13(2) read with Section-13(i)(d) of the Prevention of Corruption Act and accordingly, both

the above-said petitions are being heard and disposed of by this common order.

Heard learned counsels for the petitioners as well as learned counsel appearing for the Vigilance.

Petitioner in Cr. Misc. No. 19882 of 2015 was working as Assistant Scientist in Forensic Science Laboratory, Bihar, Patna and in course of investigation, it came to light that it was co-accused, Mustaque Ahmed, who was also an employee of Forensic Science Laboratory, Bihar, Patna, prepared the fake reports though it is alleged that the petitioner in Cr. Misc. No. 19882 of 2015 also helped the above-said co-accused in preparing the fake and forged reports. So far as petitioner in Cr. Misc. No. 21839 of 2015 is concerned; he was accused in Harnaut P.S. Case No. 195 of 2009 and in his case, a forged FSL report was produced before the court though at the time of production of the aforesaid report, petitioner in Cr. Misc. No. 21839 of 2015 was in jail custody in connection with Harnaut P.S. Case No. 195 of 2009.

Learned counsel, appearing in Cr. Misc. No. 19882 of 2015 submits that co-accused Mustaque Ahmed has already been granted privilege of bail by learned court below itself whereas; the petitioner in Cr. Misc. No. 19882 of 2015 is languishing in jail custody since long.

Learned counsel, appearing in Cr. Misc. No. 21839 of 2015 submits that petitioner has already been acquitted in Harnaut P.S. Case No. 195 of 2009 and in the present case, it can only be said that he was a beneficiary of the aforesaid fake report.

Considering the above-said submission as well as facts and circumstances of the case, let the petitioners named above, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each in connection with Shastrinagar P.S. Case No. 175 of 2007 corresponding to Special Case No. 13 of 2011 to the satisfaction of learned Special Judge, Vigilance-Ist, Patna.

(Hemant Kumar Srivastava, J)

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