

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43596 of 2015

Arising Out of PS.Case No. -3 Year- 2013 Thana -C.B.I CASE District- PATNA

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Manoj Kumar, Son of Raj Nandan Singh, Resident of Village- Boha Basudeopur,
P.O.- Ratwara, Via- Nanapur, Police Station- Baspathi, District- Sitamarhi.
..... Petitioner

Versus

1. The State of Bihar.
2. Central Bureau of Investigation Patna.

..... Opposite Party/s

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with

Criminal Miscellaneous No.43658 of 2015

Arising Out of PS.Case No. -3 Year- 2013 Thana -C.B.I CASE District- PATNA

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Umashankar Kumar S/O- Sri Sant Lal Mahto, R/O Vill- Akbarpur, P.S.-
Kalyanpur, District- Samastipur

..... Petitioner

Versus

1. The Central Bureau of Investigation, Patna, Bihar

..... Opposite Party/s

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with

Criminal Miscellaneous No.46347 of 2015

Arising Out of PS.Case No. -3 Year- 2013 Thana -C.B.I CASE District- PATNA

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Bhaskar Kumar, S/o Late Dev Narayan Paswan, resident of Mohalla- Khasmahal,
Road No.3, Chirainyataar, Postal Park Road, P.S. Kankarbagh, Patna at present
Inspector Posts, West Sub-Division, Madhubani.

..... Petitioner

Versus

The Union of India Through The C.b.I. null null

..... Opposite Party/s

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with

Criminal Miscellaneous No.46814 of 2015

Arising Out of PS.Case No. -3 Year- 2013 Thana -C.B.I CASE District- PATNA

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Ajit Kumar Singh Son of Shri Birendra Prasad Singh Resident of Village - Chatur
Patti, P.O.- Mohajamma, P.S.- Paru, District - Muzaffarpur

..... Petitioner

Versus

1. The State of Bihar
2. Central Bureau of Investigation (C.B.I.) through Add. S.P., C.B.I., A.C.B.,
Patna

..... Opposite Party/s

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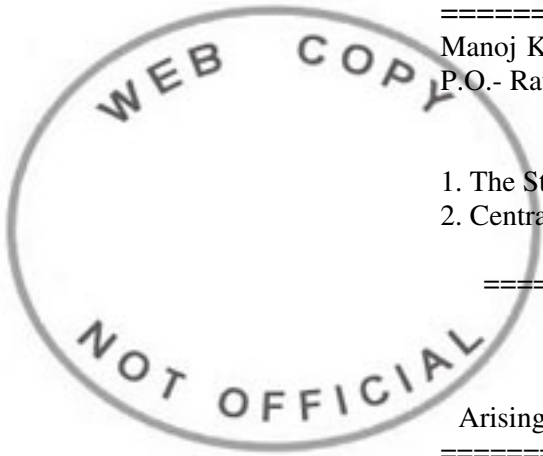
with

Criminal Miscellaneous No.47409 of 2015

Arising Out of PS.Case No. -3 Year- 2013 Thana -C.B.I CASE District- PATNA

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Arvind Pratap Kumar Son of late Chandrabali kumar Resident of Shri



Krishna Nagar,P.s Motihari town, District East Champaran Motihari.
..... Petitioner

Versus

1. The State of Bihar.
2. Central Bureau of Investigation(C.B.I)

..... Opposite Party/s

with

Criminal Miscellaneous No.47423 of 2015

Arising Out of PS.Case No. -3 Year- 2013 Thana -C.B.I CASE District- PATNA

Rakesh Kumar, Son of Harishchandra Prasad, resident of Village+P.O.-
Parsauni Kapur, P.S.- Patahi, District- East Champaran.

..... Petitioner

Versus

1. The State of Bihar.
2. Central Bureau of Investigation (C.B.I.)

..... Opposite Party/s

with

Criminal Miscellaneous No.48131 of 2015

Arising Out of PS.Case No. -3 Year- 2013 Thana -C.B.I CASE District- PATNA

Ram Lal Singh Son of Late Muni Lal Singh, Resident of village-
Shankarpur, Kabir Mandir Road, P.O.- Sarjamda, Via- Tata Nagar, P.S.-
Parsudhi, District- East Singhbhum, Jamshedpur (Jharkhand)

..... Petitioner

Versus

1. The State of Bihar
2. Central Bureau of Investigation (C.B.I.) through the C.B.I., ACB, Patna

..... Opposite Party/s

Appearance :

(In Cr.Misc. No.43596 of 2015)

For the Petitioner/s : Mr. Shashi Shekhar Sharma, Adv.

For the Opposite Party/s : Mr. Mustaque Alam(App)

(In Cr.Misc. No.43658 of 2015)

For the Petitioner/s : Mr. Chandra Shekhar Singh, Adv.

For the Opposite Party/s : Mr. Bipin Kumar Sinha(Sccbi)

(In Cr.Misc. No.46347 of 2015)

For the Petitioner/s : Mr. Hemant Kumar Karan, Adv.

For the Opposite Party/s : Mr. Bipin Kumar Sinha(Sc/Cbi)

(In Cr.Misc. No.46814 of 2015)

For the Petitioner/s : Mr. Vikas Ratan Bharti, Adv.

For the Opposite Party/s : Mr. Amitesh Kumar (App)

(In Cr.Misc. No.47409 of 2015)

For the Petitioner/s : Mr. Vikas Ratan Bharti, Adv.

For the Opposite Party/s : Mr. Amitesh Kumar(App)

(In Cr.Misc. No.47423 of 2015)

For the Petitioner/s : Mr. Vikas Ratan Bharti, Adv.

For the Opposite Party/s : Mr. Amitesh Kumar(App)

(In Cr.Misc. No.48131 of 2015)

For the Petitioner/s : Mr. Vikas Ratan Bharti, Adv.
For the Opposite Party/s : Mr. Amitesh Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

6 16-12-2015

Heard Sri Krishna Prasad Singh, learned senior counsel, Sri Y.V. Giri, learned senior counsel, Sri Chandra Shekhar Singh, Sri Vikash Ratan Bharti, Sri Hemant Kumar Karn, learned counsels for the petitioners as well as Sri Sanjay Kumar, learned counsel for the CBI in the case of Manoj Kumar and Sri Bipin Kumar Sinha, learned counsel for the CBI in the other cases.

The petitioners Manoj Kumar, Ajit Kumar Singh, Rakesh Kumar are the appointees and petitioners Uma Shankar Kumar, Arvind Pratap Kumar and Bhaskar Kumar are the Inspector of the Post-office and Sri Ram Lal Singh was the Superintended of the Post-office. The gist of the allegation is that in pursuance of an advertisement for appointment on the post of GDS and BPM, applications were invited for the candidates who have already passed matriculation examination/equivalent examination from any recognized Boards/Government Institutions. The applicants applied for and after verification of their certificates by the Inspectors of the Post-office, namely, Bhaskar Kumar, Arvind Pratap Kumar and Umashankar Kumar, the Superintendent of the Post-office, namely, Virendra Kumar

Singh and Ram Lal Singh appointed different candidates on the different posts. It is found that the appointees, namely, Manoj Kumar, Ajit Kumar Singh, Rakesh Kumar and many others appointees, such as, Randhir Kumar, Satyanarayan Paswan, Anjani Paswan have been appointed on the basis of forged and fake certificates submitted by the appointees.

Sri Y.V. Giri, learned senior counsel for Ram Lal Singh has submitted that the petitioner appointed one candidate, namely Shankar Prasad and his educational certificate was found to be fake, as the same was issued by Delhi Education Board and which is not recognized. Petitioner Uma Shankar Kumar is the Inspector of the Post-office verified the certificate and found the same to be correct.

It is submitted that Virendra Kumar Singh, another Superintendent of the Post-office, who appointed three persons and all the three persons were illegally appointed on the basis of fake certificates, has already been granted anticipatory bail vide order passed in Cr. Misc. No. 48588/2015.

Learned counsel appearing on behalf of the petitioner Uma Shankar Kumar has submitted that he is not named in the FIR. The name of the petitioner figured in the case during course of investigation and it is found that the petitioner verified the

certificates of Shankar Prasad on the basis of which Ram Lal Singh, the Superintendent of Post-office, appointed him.

It is submitted that vide Annexure-4 issued under the signature of the Assistant Director (Staff), State Bihar Circle, Patna, Office of the Chief Post-master General, Patna, it would be clear that the recruiting authority shall be held responsible for genuineness of certificates and mark-sheets.

Learned counsel for the petitioner Rakesh Kumar submits that he submitted mark-sheet of Delhi Shiksha Board and it was duly verified from the Institution. The same was found to be correct.

Learned counsel for the petitioner Manoj Kumar has submitted that he submitted the mark-sheet of matriculation examination and not of Bihar Sanskrit Shiksha Board. Although, the certificate of Bihar Sanskrit Shiksha Board bearing Code no. 1501, Roll no. 535 was found attached with his application.

It is further submitted that the Inspector of the Post-office, namely, Arvind Pratap Kumar and Bhaskar Kumar are not responsible for appointment of any appointees and they have made all care and caution while checking the certificates of the appointees.

On the other hand, learned counsel for the CBI has

submitted that Manoj Kumar filed certificate of Madhyama issued by Bihar Sanskrit Shiksha Board bearing Code no. 1501, Roll no. 535. The marks obtained by Manoj Kumar is shown as 634, but in fact, the same certificate was issued in the name of Mohan Mahto, son of Shiv Charan Mahto and not in the name of Manoj Kumar.

Further it is submitted that all the appointees-petitioners submitted fake certificates from the institutions which are not recognized. The names of the institutions are already on the website, but the authorities did not trouble to look the name of the institutions duly recognized by the Central Board of Education or any Board of State Education. It is further submitted that the fake certificate of Madhyama of the appointee Ajit Kumar Singh was found in possession of Arvind Pratap Kumar, the Inspector of the Post-office and this fact also shows the collusion of the Inspector of the Post-office, who are instrumental in appointing the candidates having no qualification. It is further submitted that Virendra Kumar Singh was granted anticipatory bail only on the ground that he has already retired. Anticipatory bail petition of similarly situated co-accused namely, Satyanarayan Paswan, Anjani Paswan and Randhir Kumar have already been rejected by different Benches of this Court vide order passed in Cr. Misc. No. 53646/2015 and Cr. Misc. No. 45521/2015.

On perusal of the record, it appears that it is a big scam in which the postal authority, Superintendent of the Post-office as well as Inspector of the Post-office who were entrusted with the works of verification as well as recruitment on the post of GDS and BPM appointed such persons having no basic qualification on the basis of forged and fake certificates.

Considering the facts aforesaid, I am not inclined to enlarge the petitioners above named on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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