

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.30736 of 2015

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

Nand Kishore Chaurasia, Son of Late Rohan Prasad, R/O Village-Ulao, P.S. Mufassil, District-Begusarai.

.... Petitioner

Versus

The State of Bihar through the Vigilance Investigation Bureau

.... Opposite Party

Appearance :

For the Petitioner : Mr. B.P. Pandey, Sr. Advocate, Mr. P.K. Sinha and Ms. Pallavi Pandey, Advocates.

For the Opposite Party : Mr. Ramakant Sharma, Vigilance Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 30-11-2015 Heard learned senior counsel for the petitioner and learned Special P.P. for the Vigilance.

The petitioner is languishing in custody since 19.05.2015 in connection with Shashtri Nagar P.S. Case No. 175 of 2007, giving rise to Special Case No. 13 of 2011 for the offences instituted under Sections 466, 467, 468, 471, 474, 420/34 of the IPC and Section 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act.

The prosecution story, in brief, is that on the basis of written application filed by Umesh Kumar Sinha, the then Director, FSL to S.H.O., Shashtrinagar P.S. in which it was alleged that in five cases Mohania P.S. Case No. 219/2005, Durgawati P.S. Case No. 266/2007, Sasaram P.S. Case No.



323/2004, Simri Buxar P.S. Case No. 125/2002, Buxar Mufassil P.S. Case No. 133/2003, complaints were received from the respective courts of the District that examination report regarding narcotics drug have been submitted which were on subsequent verification found to be fake and forged. Hon'ble High Court has been pleased to direct that investigation of the case be transferred to the Vigilance Department in Cr. Misc. No. 6651/2010, Vigilance Department has adopted the FIR of Shashtri Nagar P.S. Case No. 175/2007. During course of investigation, it was received that in five cases, fake reports were submitted and the said reports were submitted from October, 2009 to February, 2010 and at that time, Shyam Bihari Upadhyaya was posted as Director, FSL. During this period, Hon'ble High Court, Patna, in Cr. Misc. No. 19091/2009 Babban Gupta Vrs. State(Mohania P.S. Case No. 141/2007) have passed different orders during course of hearing of bail application which was sent by the Assistant Registrar, Patna High Court, through two letters 16045/Cr./P/20185, Cr./P dated 05.08.09 and 19.09.2009 to the Director. In both the cases, report was called for at once, but even after receiving the said letters, he did not send sample report although the same was prepared on 29.08.2008 and a report was sent to the Sessions Court in respect of recovery of Heroin. During course of investigation, it has come



that the petitioner was *Samdhi* of Ram Prasad Chaurasia and he got forged and fabricated FSL report through his relation Ram Prasad Chaurasia with the help of FSL officials Santosh Kumar and Mushtaque Ahamad vide paras 99, 125, 134 and 66 of the case diary of Shashti Nagar P.S. Case No. 370/2010 which was registered in respect of fake FSL reports in Harnaut P.S. Case No. 195/2009 and used for the purpose of getting bail of accused Arvind Chaurasia who was granted bail by the Hon'ble High Court, Patna, and again he used the said forged and fabricated report of FSL for getting bail of Radhey Prasad Chaurasiya as *Pairvikar* and *Samdhi* of said Radhy Prasad Chaurasia vide para 200 of the case diary of Shashtrinagar P.S. Case No. 175/2007.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. The petitioner is in custody since 19.05.2015 and the charge sheet has been submitted in the case. There is no allegation of tampering of the evidence against the petitioner. As per the prosecution case, the petitioner is said to have affidavited the bail application which was having the fake FSL report. The petitioner had no knowledge regarding genuineness of the said FSL report as the same was obtained from the court below. Other co-accused have been granted bail by this Court vide Cr. Misc. Nos. 19882/2015 and 21839/2015.

On behalf of the State it has been submitted that the petitioner is not named in the F.I.R. and only material that has come against the petitioner in paragraph no. 316 of the case diary where it has been alleged that the petitioner has made affidavit on the bail application of his *Samadhi*.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Vigilance-Ist, Patna, in connection with Special Case No. 13/2011, arising out of Shashtri Nagar P.S. Case No. 175/2007.

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(Sudhir Singh, J)