

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1671 of 2016

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

Sanjay Kumar, aged 38 years, S/o Parma Nand Prasad, R/o Sanjay Gandhi Nagar, Road No. 3, Hanuman Nagar, P.S. Patrakar Nagar Police Station, Town & District- Patna, Pin Code 800020.

.... Petitioner/s

Versus

Union of India, through CBI

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nazir Alam
Mr. Laxmi Narayan Das

For the Opposite Party/s : Mr. Bipin Kumar Sinha, SCC CBI

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 18-02-2016

Heard.

The petitioner apprehends his arrest in a criminal prosecution registered under Section 120B read with Sections 420, 467, 468, 477A and 471 of the Indian Penal Code as also under Sections 13(2) read with Section 13(1) (d) of the Prevention of Corruption Act, 1988.

As per prosecution case, the petitioner and other persons obtained appointment on the post of Gamin Dak Sewak on the basis of forged and fabricated certificate of Bihar Sanskrit Siksha Board.

Though the petitioner is not specifically named in the F.I.R. vide Annexure-1, but taking into consideration the fact that co-accused Manoj Kumar, co-accused Umashankar Kumar, co-accused Bhaskar Kumar and several other co-accused persons had approached this Court for grant of anticipatory bail and their prayer for anticipatory bail has been rejected by order dated 16.12.2015 passed in Cr. Misc. No. 43596 of 2015 and its

analogous cases and similarly prayer for anticipatory bail of Co-accused Rajesh Kumar has been rejected by order dated 29.01.2016 passed in Cr. Misc. No. 57747 of 2015 by co-ordinate Benches of this Court, in order to maintain consistency, this Court is not inclined to accede to the prayer made on behalf of the petitioner for grant of anticipatory bail. Accordingly, his prayer for anticipatory bail in connection with Special Case No. 4/2013, arising out of RC Case No. 3/2013 pending in the Court of the learned Special Judge CBI-II, Patna, is hereby rejected.

However, if the petitioner surrenders in the court below within a period of four weeks from today and applies for regular bail, then the same shall be considered and decided on its own merit without being prejudiced by the present order.

(Birendra Prasad Verma, J)

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