

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39990 of 2017

Arising Out of PS.Case No. -21 Year- 2015 Thana -C.B.I CASE District- PATNA

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1. Ajay Kumar, Aged about 30 years, S/o Sri Mahesh Mistry, resident of Village- Arury, P.S.- Pakribarawan, District- Nawada.

.... Petitioner/s

Versus

1. The Union of India Through Central Bureau of Investigation, Govt of India , C B I / A C B , Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. R.C. P. Bharti.

Mr. Rajendra Prasad Nat

For the Opposite Party/s : Mr. Sanjay Kumar (SC,CBI)

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

3 07-09-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Special Case No. 01 of 2016 arising out of RC No. 21A/2015 instituted for the offence under Sections-120-B, 420, 467, 468 of the Indian Penal Code and Sections-13(1)(d) of P.C. Act.

The allegation against the petitioner is that he applied for appointment to the post of Gramin Dak Sewak packer, Pakribarawan Branch Office of Nawada Postal Division on the basis of forged Madhyama marks sheet, showing his marks 88 % issued from the Bihar Sanskrit Shiksha Board, Patna. In furtherance of the said criminal conspiracy Sri Bajrangi Prasad by misusing his official position, appointed this petitioner Ajay Kumar as G.D.S. Packer, Pakribarawan Branch Office of Nawada Postal Division on the basis of forged Madhyama marks sheet issued from the Bihar Sanskrit Shiksha Board, Patna.



Counsel for the petitioner has filed supplementary affidavit today wherein Annexure-5 has been annexed to show that the petitioner was provisionally selected for the appointment of G.D.S. Packer, Pakribarawan. It has further been submitted that his job was not at par with the government service and he was an employee to work for five hours daily. It has further been submitted that the other accused in similar nature of case in another case has been granted anticipatory bail by coordinate bench of this court vide order dated 19-08-2017 passed in Cr. Misc. No. 33525 of 2017.

Counsel, appearing for the CBI opposed the prayer for anticipatory bail.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner named above in the event of her arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with in 01 of 2016 arising out of RC No. 21A/2015 to the satisfaction of learned Special Judge, CBI-I, Patna subject to condition as laid down u/S 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason, will



automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

A.K.V./-

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