

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37962 of 2017

Arising Out of PS.Case No. -4 Year- 2015 Thana -C.B.I CASE District- PATNA

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1. Sanjay Paswan Son of Hiranman Paswan, Resident of Village-Kritpur,
P.O. Kritpur, Police Station-Harsidhi, Via-Areraj, District-East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar
2. The C.B.I./A.C.B. Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra

For the Opposite Party/s : Mr. Sri Rajendra Prasad Nat

For the CBI : Mr. Sanjay Kumar, SC, CBI

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

6 09-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
15.06.2017 in connection with Special Case No. 02 of 2015, R.C.
Case No. 4 (A) of 2015 for the offences punishable under Sections
120-B read with 420, 467, 468, 471 of the Indian Penal Code and
Section 13(2) read with 13(i)(d) of the Prevention of Corruption
Act.

The prosecution case, as lodged by the Additional
Superintendent of Police, CBI, ACB, Patna is that it had come to



light of that co-accused R.L. Karn while functioning as Superintendent of Post, Motihari, during the tenure 2009-12 entered into criminal conspiracy with petitioner who secured appointment as GDS, BPM on the basis of forged madhyama marksheet issued by the Bihar Sanskrit Siksha Board, Patna.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal antecedent and had submitted genuine certificate of Madhyama and matriculation certificate of the Bihar School Examination Board, Patna and applied for the post of Gramin Daak Sewak (GDS) and did not know that his certificate was forged. He submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses and he undertakes to co-operate in trial on day to day basis.

However, learned counsel for CBI submits that during course of investigation, Madhyama Certificate was issued from Ram Pravesh High School, Raitha Nalanda bearing roll number 655, Registration No. 43-0002666/2006 and total marks 634, 1st division, was not his own Roll number. It was allotted against the name of Smt. Menka Kumari who had secured 3rd division with marks of 269. He submits that the said mark-sheet of Madhyama was signed by the petitioner in the presence of one Shashi Bhusan



Prasad, a postal employee.

Learned APP for the State also opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, I am not inclined to grant privilege of bail to the petitioner and accordingly, his prayer for bail stands rejected in connection with Special Case No. 02 of 2015, R.C. Case No. 4(A) of 2015 pending before learned Special Judge, CBI-II, Patna.

However, the petitioner is at liberty to renew his prayer for bail after framing of charge.

(Nilu Agrawal, J)

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