

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27368 of 2017

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

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1. Shayam Bihari Singh, Son of late Sukhdeo Singh, resident of Village: Beda, P.S. Sasaram (Muffasil), District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar through the Vigilance, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deo Raj Kumar Prasad

For the Opposite Party/s : Mr. Ramakant Sharma(L.O.,Inc.,Vigilance)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 07-08-2017 Heard learned counsel for the petitioner and learned counsel appearing for the Vigilance Department.

Petitioner is languishing in custody since 29.03.2017 in connection with Special Case No. 13A/11, arising out of Shastri Nagar P.S. Case No. 175/07 for offences punishable under Sections 466, 467, 471, 474, 420, 120-B, 34 of the Indian Penal Code and Sections 13(2) and 13(1)(d) of the P.C. Act.

The prosecution case, as lodged by the Director, Forensic Science Laboratory, Bihar, Patna, is that forged F.S.L. reports were submitted in different cases for taking benefit from the Hon'ble Court in granting bail, and, accordingly, enquiry was



conducted and after making enquiry, the present case has been lodged, as it was found that forged F.S.L. reports in bail applications were filed. During course of investigation, it was revealed that accused Md. Mustak Ahmad in association with accused Santosh Kumar manufactured forged reports in his own writing by putting the false signature of Director and Technical Officer of the F.S.L. It is also alleged that for the aforesaid duplicate reports, they also took huge money from the accused persons of the respective cases and in this way they gave undue benefit to those accused persons who had filed bail petitions in different cases in this Court.

It has been submitted by the learned counsel for the petitioner that he is merely a pairvikar and a person of 75 years and has no connection with the alleged offence. He submits that another co-accused Banarsi Prasad, who was also a pairvikar, has been granted privilege of bail by the learned court below itself and other accused persons have also been granted privilege of bail by Coordinate Benches of this Court in Cr. Misc. No. 4713 of 2013 on 05.03.2013 and Cr. Misc. No. 27912 of 2017 on 17.07.2017. He submits that the petitioner has been made accused only on the basis of suspicion and is not directly involved in the aforesaid offence. He further submits that charge-sheet has already been



submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned counsel appearing on behalf of Vigilance submits that the petitioner is made accused in cases of large scale manipulations in the FSL report, hence, opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Vigilance-I, Patna, in connection with Special Case No. 13A/11, arising out of Shastri Nagar P.S. Case No. 175/07, subject to the condition that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Nilu Agrawal, J)

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