

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.28856 of 2017

Arising Out of PS.Case No. -16 Year- 2016 Thana -C.B.I CASE District- PATNA

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Navin Kumar Son of late Ram Briksh Das, Resident of Dadar, P.O.- Kolhua, Paigamberpur, P.S.- Ahiyarpur, District- Muzaffarpur, presently working on the post or GDS (Packer) M.I.T.S.O. Muzaffarpur H.Q. Under West Sub-Division, Muzaffarpur.

.... Petitioner/s

Versus

Union of India through Central Bureau of Investigation, Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mahesh Prasad, Advocate

For the CBI : Mr. Bipin Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 10-08-2017

Heard learned counsel for the petitioner and learned counsel for the Central Bureau of Investigation.

2. The petitioner apprehends arrest in connection with Special Case No. 10 of 2016 in RC 023 2016 A0016 or R.C. Case No. 16A of 2016 dated 03.08.2016 under Sections 13 (3) read with Section (1) (d) of the Prevention of Corruption Act, 1988.



3. The allegation against the petitioner is that he had obtained employment as *Gramin Dak Sewak* on the basis of forged and fabricated certificate/marksheet issued by the Bihar Sanskrit Shiksha Board.

4. Learned counsel for the petitioner submitted that he is a poor person and the employment he has got does not require any special qualification. Learned counsel drew the attention of the Court to order dated 11.03.2016 passed by a co-ordinate Bench in Cr. Misc. No. 54298 of 2015 by which a person against whom there was similar allegation has been granted anticipatory bail subject to depositing Rs. 50,000/- in the court below.

5. Learned counsel for the C.B.I. submitted that upon investigation, it has been found that the documents which were produced by the petitioner at the time of employment before the authorities were forged and fabricated as the roll number was of another person who had also failed in the examination. It was further submitted that the fact of the petitioner having produced the forged documents and having obtained employment on the basis of the same, which is not denied, he is not entitled to any indulgence.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on anticipatory bail.



7. The application, accordingly, stands dismissed.

8. However, in the event the petitioner surrenders and prays for regular bail before the court below within three weeks from today, along with a copy of this order, the same shall be considered on its own merits, in accordance with law, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J)

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