

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17500 of 2017

Arising Out of PS.Case No. -473 Year- 2016 Thana -RUNISAIDPUR District- SITAMARHI

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Madhu Shankar Singh @ Madhu Shankar Singh Advocate @ Madhu Kishore Singh S/o Ram Lagan Singh Resident of Village+P.O. Kharshan, P.S. Riga, District- Sitamarhi.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Shankar Kumar

For the Opposite Party/s : Mr. Sri Shyam Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

5 05-06-2017 Heard learned counsel for the petitioner and the State.

Vide order dated 1.5.2017 case diary was called for.

After receipt of the case diary, the matter was heard on 31.5.2017.

It was adjourned today to facilitate the counsel for the State to examine the case diary.

The petitioner is in custody in connection with Runnisaidpur P.S. Case No. 473 of 2016 for the offences under sections 193, 204, 468, 471, 420, 120(B), 506/34 of the Indian Penal Code.

The petitioner is a practicing advocate of Sitamarhi Court.

It appears from the FIR in connection with alleged



Runnisaipur P.S. Case No. 496 of 2013 wherein Birendra Sahni, Harendra Sahni, Dilip Kumar and Jitendra Kumar were made accused and the aforesaid persons were arrested and they were remanded by order of the learned Magistrate. In connection with the aforesaid case bail application was moved in the name of Randhir Rai. The bail application was moved by petitioner as his advocate clerk one Nagendra Rai has identified the petitioner Randhir Rai. The said bail application was rejected vide order dated 31st March, 2015. On behalf of accused Randhir Rai a bail petition was also filed for grant of bail before this Hon'ble Court. This Hon'ble Court suspected foul play and therefore, vide order dated 7.9.2016 directed for enquiry into the matter by Director General, CID. Shri Vinay Kumar, Director General, CID submitted his report that accused Harendra Sahni has filed application in the name of Randhir Rai to procure order by practicing fraud. In all the applications for grant of bail, Randhir Rai has mentioned the name of Harendra Sahni as Randhir Rai has criminal antecedent and was accused in various cases. From the facts stated in the FIR, it appears that he hatched conspiracy to procure bail and many person at different level were directly or indirectly involved in the process. On the basis of report of the learned Additional Director General, CID, the police registered the



present case in which Randhir Rai, the advocate clerk Nagendra Rai and the present petitioner who was the conducting Advocates of the case, Santosh Kumar and the person who identified Santosh Kumar and the police Sub-Inspector Ramchandra Prasad was made accused. It appears from the order sheet dated 15.5.2017 in Cr. Misc. No. 22763 of 2017 that the Ramchandra Prasad co-accused in this case was granted bail by this Hon'ble Court considering his clean antecedent and custody since 19.3.2017. The petitioner in his application has stated in para-3 that he has got no criminal history.

It is true that the kind of offence, subject matter of this case cannot be committed without connivance of the Members of the Bar but considering the fact that in the case diary nothing specific is alleged against this petitioner and the fact that similarly circumstanced co-accused was granted bail by this Court in Cr. Misc. No. 22763 of 2017 vide order dated 15.5.2017, I am inclined to enlarge the petitioner named above, 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 Chief Judicial Magistrate, Sitamarhi, in connection with Runnisaidpur P.S. Case No. 473 of 2016, subject to the condition that one of the bailors should be senior Members of the Bar of Sitamarhi and the



wife of the petitioner shall be the second bailor in this case.

It is made clear that the petitioner that the petitioner, will not in any manner, influence the evidence or the witnesses and will extend full cooperation in the trial.

(Anil Kumar Upadhyay, J)

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