

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33525 of 2017

Arising Out of PS.Case No. -1 Year- 2016 Thana -C.B.I CASE District- PATNA

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1. Ajay Kumar Son of Late Vishnudeo Prasad Resident of J.P. Nagar, Moti Bigha, District - Nawada.

.... Petitioner/s

Versus

1. The Central Bureau of Investigation through Superintendent of Police, C. B. I. (A C B), Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kinkar Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 19-08-2017

Heard learned counsel for the petitioner and learned

Standing Counsel for the Central Bureau of Investigation.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 120B/420/467/468/471 of the Indian Penal Code and Section 13(2) read with Section 13(I)d) of the Prevention of Corruption Act.

According to F.I.R. the petitioner was appointed as GDS Packer by the co-accused who was Inspector of Post Office. The Inspector has already been exonerated in the departmental proceeding as well as in the criminal proceeding and the petitioner has been sent up for trial for the reason that the petitioner has forged certificate of qualification.

Submission of learned counsel for the petitioner is that the engagement letter of the petitioner would reveal that this



was not a government appointment. Minimum working hours was stipulated in the terms and condition of appointment and the petitioner has to perform as packers only.

Learned counsel for the Central Bureau of Investigation vehemently opposed the prayer on the ground that loss of rupees three lacs and odd has been caused to the department due to payment of wages to the petitioner.

Considering the entire facts especially the exoneration of the co-accused, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judicial Magistrate, CBI-I, Patna/successor Court in connection with CBI/ACB Case No. RC023020160001A of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the petitioner shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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