

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21547 of 2018

Arising Out of PS.Case No. -3 Year- 2013 Thana -C.B.I CASE District- PATNA

=====

1. Shankar Prasad S/o Hirdeo Mahto @ Hardar Mahto, R/o Vill. & P.O.-
Phulkaha, Via- Bhutahi, P.S.- Kanhauli, District- Sitamarhi A/P GDS,
BPM, Department of Post , Sitamarhi.

.... Petitioner/s

Versus

1. The Union of India Through C. B. I.

.... Opposite Party/s

=====

Appearance :

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

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

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 17-04-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is languishing in custody for the offences punishable under Section 120B of the Indian Penal Code read with Sections 420/467/468/471/471 of the Indian Penal Code and Sections 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act.

Allegation against the petitioner is that he got appointment as Gramin Dak Sewak in the post office in the jurisdiction of the Superintendent of Post, Sitamarhi, on the basis of forged educational certificate.

Submission of the learned counsel for the



petitioner is that in fact certificate is not forged one, which was a genuine certificate issued by the Board of Higher Secondary Education, New Delhi. During investigation, it reveals that the said Board was not recognized by the concerned government. He further submits that similarly situated co-accused Prabhash Chandra Thakur and others have already been allowed anticipatory bail by a coordinate Bench of this Court.

Learned counsel for the Central Bureau of Investigation opposed the prayer on the ground that the institution, which has issued educational certificate to the petitioner, was not recognized by the government and this fact was not properly noticed by the appointing authority. Hence, appointing authority has also been made accused in this case and this is a case of collusion of the accused with the appointing authority in getting appointment for the aforesaid post.

Considering the aforesaid fact especially the fact that similarly situated co-accused have been granted bail, let the petitioner, above named, 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 the learned Court-below where the case is pending in connection with Special Case No.4 of 2013, arising out of C.B.I./ACB/R.C. Case No.3(A) of 2013, with



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)

Mkr./-

U		T	
---	--	---	--

