

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56747 of 2017

Arising Out of PS.Case No. -267 Year- 2017 Thana -KOTWALI District- PATNA

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Vikash Kumar Pandey, S/o Hariharnath Pandey @ Munna Pandey, At present resident of Village- Boring Road Itarhi, P.S.- Patliputra, District- Patna. Permanent resident of Village- Murarpur, P.S.- Sikroul, District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Legal Cell, Patna High Court, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Digvijay Kumar Ojha
For the Opposite Party/s : Mr. Uday Pratap Singh
For the Patna High Court : Mr. Satyabir Bharti, Adv.
Miss Aparna Arun, Adv.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 3 03-01-2018 Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor for the State and Miss Aparna Arun, J.C. to Shri Satyabir Bharti, learned counsel for the Patna High Court.

The petitioner seeks anticipatory bail in connection with Kotwali P.S. Case No. 267 of 2017, dated 02.06.2017 for the offences punishable under Sections 417, 418, 419, 420, 405, 466, 467, 468, 469, 470, 208 and 120 'B' of the Indian Penal Code.

The case of the prosecution, as narrated in the written report of the Incharge, Legal Cell, Patna High Court, Patna, is that two persons, namely, Sparsh Kumar Sah and Kamlesh Kumar Sah



approached the Court Officer office, Patna High Court, Patna along with their respective joining/ reporting letters for joining in Group-D service on the post of Adeshpal, however, the guard of Court Officer office, told them that the said joining letter was fake, whereupon the said two persons contacted an Advocate at Patna on 2.6.2017, requesting him to verify genuineness and contents of the disputed joining letters in question and thereafter, it was found that the joining letters in question were totally fake and the signature of Hon'ble the Chief Justice had been forged on the said joining letters. The said two persons along with their Advocate are said to have met the High Court authority and told them that one Mithu Paswan had contacted them and offered them employment in Group-D services of the Patna High Court in lieu of payment of a sum of Rs.6 lacs. The aforesaid person, namely, Kamlesh Kumar Sah had then delivered his original document to the said Mithu Paswan. However, when there was delay in receiving joining letter, they contacted the said Mithu Paswan who introduced them on mobile vide conference call to one Pradeep, whereafter the aforesaid two persons are said to have received the fake and forged joining letter. It has been stated in the said written report that considering the seriousness of the matter, the High Court authorities had informed the police and the police had planned a



trap and three persons, namely, Saurav Kumar, Md. Mojahid and Nitesh Kumar, were arrested.

On the basis of the said written report of the Incharge, Legal Cell, Patna High Court, Patna dated 2.6.2017, the aforesaid Kotwali P.S. Case No. 267 of 2017 was registered for the offences punishable under Sections 417, 418, 419, 420, 405, 466, 467, 468, 469, 470, 208 and 120 'B' of the Indian Penal Code.

The learned counsel for the petitioner has submitted that except the fact that the arrested persons, namely, Saurav Kumar, Md. Mojahid and Nitesh Kumar have stated in their confessional statement that the petitioner is their accomplice, there is no other material to implicate the petitioner in the alleged occurrence. It is further submitted that the petitioner has a clean antecedent, hence the petitioner should be granted anticipatory bail, more so since no evidence is available to connect the petitioner with the alleged crime.

The learned counsel appearing for the Patna High Court has submitted that the occurrence in question is a serious offence pertaining to not only manufacturing fake document, i.e. fake appointment/ joining letter and forging the signature of Hon'ble the Chief Justice of the Patna High Court, but also has led to unearthing of an organized gang engaged in fake job racket



regarding providing employment in government service. It is further submitted that the petitioner in the anticipatory bail application has produced the confessional statement of co-accused Gautam Kumar Singh, however, the confessional statements of the co-accused persons, namely, Saurav Kumar and Md. Mojahid have deliberately been withheld. The learned counsel has contended that the confessional statement of co-accused Gautam Kumar Singh, annexed to the anticipatory bail application, would show that the accused persons were running an organized gang for the purposes of providing fake jobs and for the said purposes fake/ forged/ manufactured documents and articles were recovered from the place from where the said Gautam Kumar Singh was apprehended by the police as well as he has disclosed that the said job racket was being carried by his gang and named the members of the gang, which also included the name of the petitioner herein. It is further submitted that the instant incident is a case of dauntless and daring crime committed by the accused persons wherein the signature of Hon'ble the Chief Justice has been forged, hence, the entire incident requires deep probe and since the investigation is at a nascent stage, it would not be justified to extend the privilege of anticipatory bail to the petitioner herein.

I have perused the materials on record and heard the



respective counsel for the parties, from which it transpires that the accused persons have conspired together to commit a brazen crime and that too against a prestigious institution like Patna High Court, which is an epitome of fairness and justice. I also find from the order dated 29.08.2017 passed by the learned trial court rejecting the prayer for anticipatory bail made by the petitioner that the co-accused person namely, Gautam Kumar Singh, Mojahid and Saurav Kumar have, in their confessional statements, disclosed about participation of the petitioner herein in the alleged crime. In fact, the co-accused, namely, Gautam Kumar Singh, whose confessional statement is on record, has also disclosed that the petitioner herein is involved in the alleged crime.

Considering the gravity and sensitivity of the present case, it is necessary that a thorough investigation is carried out by the police.

It is trite law that while considering the prayer for grant of anticipatory bail one factor which has to be kept in mind is that no prejudice should be caused to the fair and full investigation of the case by the investigating agency. Reference in this regard be had to a case reported in *AIR 1980 (SC) 1632* [**Gurbaksh Singh Sibbia Etc Vs. The State of Punjab**]. In the instant case since investigation is going on and it is necessary to



go to the root of the matter and lay bare the truth, it would not be appropriate to grant anticipatory bail to the petitioner.

Under the circumstances, keeping in view the magnitude of the crime and the primary stage of investigation, I find that it is not appropriate to release the petitioner on anticipatory bail, hence the anticipatory bail application is dismissed.

(Mohit Kumar Shah, J)

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