

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36594 of 2017

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

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1. Prabhash Chandra Thakur, son of Sri Vinay Chandra Thakur, R/o village- Simardah, Kala- P.O.- Narha, Via- Riga, P.S.- Mejerganj, District- Sitamarhi.

.... Petitioner/s

Versus

1. The Central Bureau of Investigation

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Advocate with
Mr. Manoj Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5/ 12-02-2018

Heard learned counsel for the petitioner and learned counsel for the CBI.

Petitioner apprehends his arrest in **R.C.03(A)/13/Tr. No.20 of 2017** instituted for the offence under Section(s) 120-B, 420, 467, 468, 477-A, 471 Indian Penal Code and Section 13(2) read with 13(i)(d) of the Prevention of Corruption Act.

Allegation against the petitioner is that he got appointed as *Gramin Dak Sewak* in the post office under the jurisdiction of Superintendent of Post, Sitamarhi, on the basis of forged educational certificate issued by *Bihar Sanskrit Shiksha Board*, in utter disregard to the laid down rules of the Postal Department during the period 2008-12.

Counsel for the petitioner has filed Supplementary Affidavit in terms of the direction of this Court dated,



05.02.2018, wherein, in paragraph 3 it has been specifically mentioned that the petitioner was appointed on the basis of educational certificate issued by *Bihar School Examination Board*, Patna. In this regard, petitioner demanded certified copy of the education certificate of appointment under Right to Information Act from the Postal Superintendent, Sitamarhi. The Postal Superintendent, Sitamarhi, has sent certified copy of the educational certificate of matriculation as well as Admit Card, which was issued from the *Bihar School Examination Board*, Patna, from which it appears that appointment of the petitioner was made on the basis of the matriculation certificate, which is genuine and not fake.

Counsel for the petitioner has further submitted that similarly situated other accused have already been granted anticipatory bail by this Court as well as other co-ordinate Benches of this Court. Copies of the aforesaid orders have been annexed as Annexure-B series to the Supplementary Affidavit.

Counsel for the CBI has appeared and submitted that this Court by order dated 24.01.2018 passed in Cr. Misc. No.36395 of 2017 has rejected the prayer for anticipatory bail of another co-accused. He has produced the copy of that order. From perusal of the order, it appears that in that case appointment was made on the basis of *Madhyama* certificate issued from



Bihar Sanskrit Shiksha Board, which was found to be forged during investigation.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with **R.C.03(A)/13/ Tr. No.20 of 2017**, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the **Additional Sessions Judge, CBI II, Patna**, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions: (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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