

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.75182 of 2018

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

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Bhaskar Kumar, S/o Late Dev Narayan Paswan, the then Inspector of Post, East Sitamarhi, at present Khasmahal, Road No.3, Chiraiyantar, Postal Park, Patna-1.

... .. Petitioner/s

Versus

The Union of India Through C.B.I.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Devendra Kumar

For the Opposite Party/s : Mr.Bipin Kumar Sinha (Sc, C.B.I.)

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 21-12-2018 Heard learned counsel for the parties.

Petitioner seeks bail in **Special Case No. 04 of 2013 arising out of C.B.I./ACB/R.C. 3(A) of 2013** registered for the offence punishable under Sections 120(B), 420m 467, 468, 477A and 471 of the Indian Penal Code and under Section 13(2) and 13(1) (d) of the Prevention of Corruption Act, 1988.

Allegation is appointment of Gramin Dak Sewak under the jurisdiction of Superintendent of Post, Sitamarhi on the basis of fake education certificate issued by Bihar Sanskrit Shiksha Board for the period 2008-12 in violation of Rules of Postal Department.

Petitioner was Inspector Of Post, East Sitamarhi at the relevant time and has been alleged to enter into a criminal



conspiracy with co-accused appointed persons and did not get the marksheet verified from the concerned board prior to appointment of 11 candidates and during investigation marksheets of the selected candidates have been found to be fake.

It has been submitted on behalf of petitioner that he was not the competent authority to make appointment and acted as per direction of higher authorities. The chargesheet has been filed and court has taken cognizance of the offence and necessary sanction has been obtained from the competent authority and petitioner surrendered before the court below on 18.09.2018 and is in custody thereafter. It has been further submitted that similarly placed persons have been granted bail by co-ordinate benches of this Court as contained in Annexure-2 series. Learned counsel for the CBI has also produced order 16.03.2017 passed by this Court in Criminal Miscellaneous No. 43115 of 2016, refusing to grant bail to similarly placed person.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned **CBI.-II, Patna** in connection with **Special Case No. 04 of 2013, RC Case No.**



3(A) of 2013 with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the 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.

(S. Kumar, J)

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