

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36784 of 2018

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

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1. Bhaskar Kumar son of Late Shri Dev Narayan Paswan, resident of Mohalla- Khas Mahal, Road No. 3, Chiraiyatand, Police Station- Jakkanpur, District- Patna.

.... Petitioner/s

Versus

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

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shatrughan Pandey

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

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

3 25-07-2018 Heard Mr. Bindhyachal Singh, learned counsel for the petitioner and Mr. Bipin Kumar Sinha, learned counsel for the C.B.I.

The petitioner apprehends his arrest in RC/3(A) of 2013, Special Case No. 04 of 2013 registered under Section 120B read with Sections 420, 467, 468, 471 and 477A of the Indian Penal Code and Section 13(2) read with 13(a)(d) of the Prevention of Corruption Act.

The learned counsel for the petitioner submits that the prayer for anticipatory bail of the petitioner was earlier rejected vide order dated 16.12.2015 passed in Cr. Misc. No. 43596 of 2015. The petitioner at the relevant time was posted as Postal Inspector and allegation is that the petitioner along with other accused persons appointed such candidates who produced forged and fake certificate. It is further submitted that son of the petitioner is suffering from Hepatitis-B and he is under treatment



in Ruban Emergency Hospital, Patna. It is submitted that the candidate who is alleged to have been appointed on the basis of fake certificate, namely, Sheela Devi has been granted anticipatory bail vide order dated 20.04.2018 passed in Cr. Misc. No. 11499 of 2018 and the petitioner also deserves anticipatory bail.

On the other hand, learned counsel for the CBI submits that prayer of petitioner for anticipatory bail was earlier rejected by this Court as well as by the Apex Court in Special Leave Appeal No. 9932 of 2016 vide order dated 05.07.2016 even then the petitioner did not surrender in the Court below.

Taking into consideration the facts aforesaid and nature of allegation made against the petitioner and the fact that the prayer of petitioner for anticipatory bail was earlier rejected by the Apex Court vide order dated 05.07.2016, I do not find any fresh ground to re-consider the prayer of petitioner for anticipatory bail. Accordingly, the same is rejected.

If the petitioner surrenders in the Court below and prays for regular bail, the learned Court below shall consider the prayer of petitioner for bail on its own merit without being prejudiced from the order of this Court.

(Prabhat Kumar Jha, J)

BKS/Rajan

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