

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19741 of 2018

Arising Out of PS.Case No. -12 Year- 2016 Thana -C.B.I CASE District- PATNA

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1. Umesh Jha, S/o Late Nabab Jha, R/o Mohallah and Post Shubankarpur,
P.S.- Town, District- Darbhanga.

.... Petitioner/s

Versus

1. The C.B.I. through Superintendent of Police ACB Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chittaranjan Sinha, Sr. Advocate with
Ms. Surya Nilambari, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 27-04-2018

Heard learned counsel for the petitioner and learned

Standing Counsel for the CBI.

Petitioner apprehends his arrest in **FIR Bearing**
CBI/ACB/Patna Case No. RC0232016A0012 dated 03.08.2016
instituted for the offence under Section(s) 420, 468, 471, 120-B
Indian Penal Code and Section 13(2) read with Section 13(i) (d)
of the Prevention of Corruption Act.

Counsel for the petitioner has submitted that that the
petitioner at the relevant time was officiating as Clerk in Bihar
Sanskrit Shiksha Board. He was neither recruiting agency nor
verifying authority of the documents with regard to appointment
of Gramin Dak Sewak. The petitioner for the first time received
file on 05.09.2011, whereas, letter of appointment was issued on



13.06.2011. Verification file was containing letter dated 21.02.2011 issued by Md. Zainuddin.

Counsel for the petitioner has further submitted that he is not named in the written report. His name has come during investigation in the charge-sheet levelling allegation that he in conspiracy with Sri Jyoti Narayan Prasad Ray destroyed the file and did not sent the proper reply with a view to take pecuniary advantage.

Counsel for the CBI has pointed out page 9 of the charge-sheet which is at page 32 of the brief. From perusal of para 12 of the charge-sheet, it appears that investigation revealed that Md. Zaimuddin prepared selection note dated 26.03.2011 for appointment of Jyoti Narayan Prasad Ray as GDSMD, Panapur Kariyat, vide his letter dated 26.03.2011. He issued a letter to Jyoti Narayan Prasad Ray to submit residential qualification. As such, from para 12 of the charge-sheet, it appears that the petitioner was not involved.

Counsel for the petitioner has further submitted that Jyoti Narayan Prasad Ray has already been granted anticipatory bail by a co-ordinate Bench of this Court by order dated 22.09.2017 passed in Cr. Misc. No.33157 of 2017.

Counsel for the CBI has opposed the prayer for bail.



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 **FIR Bearing CBI/ACB/Patna Case No. RC0232016A0012 dated 03.08.2016**, 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 District & Sessions Judge-III -cum-Special 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 his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond 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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