

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.63295 of 2017

Arising Out of PS.Case No. -6 Year- 2014 Thana -C.B.I CASE District- PATNA

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1. Vijay Nath Sah, Son of Late Raghunath Sah, Resident of Diwan Mohalla,
P.O.- Jhauganj, Police Station- Khajekala, District- Patna.

.... Petitioner/s

Versus

1. The Union of India Through The Central Bureau of Investigation, Special
Crime Branch, Patna , Dr. S. K. Singh , Bailey Road, Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar

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

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

4 11-04-2018

Heard both sides.

The petitioner apprehends his arrest in CBI,SCB,
Patna, Regular Case No.0922014S0006 registered under Sections
120B, 420, 467, 468 and 471 of the Indian Penal Code.

The prayer for anticipatory bail of the petitioner was
earlier rejected vide order dated 03.08.2016 passed in Cr. Misc.
No.19362 of 2016.

The learned counsel for the petitioner submits that one
Mukesh Paswan sent a letter to the Director, C.B.I. for taking
action against the petitioner Vijay Nath Sah and others namely
Ajay Kumar and Uttam Kumar that they fraudulently obtained
jobs after producing forged certificate of Schedule Castes although
they belonged to backward community. The learned counsel for



the petitioner submits that in view of the judgment reported in AIR 1995 Supreme Court 94(Kumari Madhuri Patil and another v. Additional Commissioner, Tribal Development and others), the C.B.I. has got no jurisdiction to inquire into the allegation that the petitioner got service after producing forged certificate of Schedule Castes. A screening committee has duly constituted in the light of Kumari Madhuri Patil case but from perusal of the order dated 03.08.2016 passed in Cr. Misc. No.19362 of 2016, it appears that after hearing all the pleas of the petitioner, it transpired that the petitioner fraudulently got caste certificate having full knowledge that he belonged to backward community and obtained job in the Income Tax Department. On consideration of entire facts, the anticipatory bail petition of the petitioner was rejected vide order dated 03.08.2016. The petitioner moved before the Apex Court in Special Leave to Appeal(Cr.) No.7498 of 2016 and the Apex Court vide order dated 03.10.2016 dismissed the Special Leave to Appeal(Cri.).

I find no new ground to reconsider the prayer for anticipatory bail of the petitioner. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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