

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49757 of 2018

Arising Out of PS.Case No. -4 Year- 2013 Thana -C.B.I CASE District- MUZAFFARPUR

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1. Mishra Santosh Prakash, Son of Saroj Kumar Mishra, Resident of village Dhurlakh, Police Station Samastipur, District- Samastipur.

.... Petitioner/s

Versus

1. The Union of India, through C. B. I., Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the CBI : Mr. Sanjay Kumar, SC, CBI

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 29-08-2018 Heard the parties.

The petitioner seeks anticipatory bail in connection with RC Case No.04(A)/2013, corresponding to Tr. No.27/2018 of 2017 registered for offences punishable under Sections 420, 467, 468, 471 and 477-A of the Indian Penal Code and Section 13(2), read with 13(1)(d) of the Prevention of Corruption Act.

As per F.I.R., allegation against the petitioner is of getting the job in the Department of Post of different candidates as Gramin Dak Dewak (GDS) on the basis of fake and forged educational testimonials.

Submission of the learned counsel for the petitioner is that the petitioner is not named in the F.I. R. and he has been falsely implicated in this case. It has been further submitted that



the petitioner was appointed purely on contractual basis and after advertisement, he submitted his certificate but without his knowledge the appointing authority played fraud with the document of the petitioner and the petitioner has no criminal antecedent. It is also stated that the similarly situated co-accused persons have already been granted privilege of anticipatory bail by different Co-ordinate Benches of this Court vide order dated 18.07.2018 passed in Cr. Misc. No. 39439 of 2018 and vide order dated 06.08.2018 passed in Cr. Misc. No. 31640 of 2018.

Learned A.P.P. as well as learned counsel for the CBI oppose the prayer for bail on the ground that during investigation, the Bihar Sanskrit Shiksha Board had supplied verification report of the marks sheet of the selected candidates, which is Annexure-2, vide BSSB letter NO. 370-S, shows that the certificate produced by Mishra Santosh Prakash (petitioner) was false .

In view of allegation against the petitioner, above named, I am not inclined to grant bail to the petitioner. Accordingly, prayer for anticipatory bail is rejected with a direction to the petitioner that if the petitioner surrenders before the Court below and makes prayer for regular bail, which will be considered by the learned court below on its own merit without



being prejudiced by this order of this Court.

With the aforesaid observation, this application is dismissed.

(Vinod Kumar Sinha, J)

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