

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33432 of 2018

Arising Out of PS. Case No.-1 Year-2016 Thana- ECONOMIC OFFENCES, BIHAR
District- Patna

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Jitendra Rai, S/o Rajeshwar Rai, R/o Vill.- Bhagwanpur Sarai, P.S.- Awtar Nagar, District- Saran at present residing at Post Office Road, Punaichak, P.S.- Shastri Nagar, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Economic Offence Unit.
2. The Registrar General, Patna High Court, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Arvind Kumar Sinha, Advocate Mr. Dharendra Singh, Advocate
For the E.O.U.	:	Mr. V.N.P. Sinha, Sr. Advocate Smt. Soni Shrivastava, Advocate
For the High Court	:	Mr. Mrigank Mauli, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 09-07-2018 Heard learned counsel for the petitioner and the learned counsel appearing on behalf of E.O.U. as well as the learned counsel appearing for the High Court.

The petitioner is in custody since 29.11.2017 in connection with Economic Offence Case No.01/2016 registered for the offence under Sections 420, 466, 467, 468, 471 and 120B of the Indian Penal Code, which is pending in the court of the learned Sub-Divisional Judicial Magistrate, Patna.

It appears from the present facts and circumstances of the case that the petitioner is an Advocate's Clerk, who has been apprehended for identifying a deponent, who had filed a false



bail application on behalf of one Nagina Rai. On account of filing of such false application, the petitioner was granted bail. When the matter went down to the court below for furnishing surety, it was discovered that the said bail order had been obtained on false premises and a fraud had been practised before this Court and the matter was reported back to the High Court, which took serious note of the matter, resulting in institution of the present F.I.R., through the Registrar General, Patna High Court.

Learned counsel for the petitioner has submitted that the petitioner, an Advocate's Clerk, is wholly innocent and has been implicated in this case only on account of certain situations as he had identified a deponent who had made a false statement, which was not to his knowledge. It is further submitted that the story of the petitioner's role is entirely far-fetched and cannot be sustained at the time of conviction. He thus prays for an order of bail as he has already been languishing in jail for past eight months.

Learned counsel for the E.O.U. has, however, stiffly contested and opposed the bail application, stating that this is a case of wide ranging consequences and as such, the petitioner should not be let out. It is further submitted that not only the bail



order was obtained on false statement but also the Advocate's Clerk, the present petitioner, had been fully a party to it as he had signed the affidavit and identified the deponent. It has been submitted that the matter was reported to the Registrar General and thereafter, the case was lodged. It is, thus, in the interest of justice that such people, who tamper with the records in the High Court, should not be encouraged to be left scot-free and should not be enlarged on bail.

It has also been submitted that the matter has wide ranging consequences across the State of Bihar as the impugned orders of distinct District Courts have also been manipulated and without the role of the Advocate's Clerks, no such tampering of the records can be possible.

In the instant case also, the petitioner, who is an Advocate's Clerk, had filed the bail application with wrong identification of the statement of the deponent and without cross-checking the number of the F.I.R. which is also made part of the record of the case. It is thus submitted that the order of bail in favour of the petitioner would seriously prejudice the further trial.

Having considered all facts and circumstances of the case and also the gravity of the offence, I am not inclined to



grant regular bail to the petitioner. It is, accordingly, rejected.

In view of the fact that the matter is of serious consequence, it would be advisable and in the interest of justice that the trial of the present case may be expedited as the investigation is virtually complete.

(Anjana Mishra, J)

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