

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51464 of 2018

Arising Out of PS.Case No. -4 Year- 2011 Thana -C.B.I CASE District- PATNA

1. Dr. Amrendra Kumar, Son of Shree Subali Prasad, Resident of Village & Post- Musepur, P.S.- Rahu, Distt- Nalanda (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Superintendent of Police, CBI/EOU-II/(EO-I), New Delhi.

.... Opposite Party/s

with

Criminal Miscellaneous No.54352 of 2018

Arising Out of PS.Case No. -4 Year- 2011 Thana -C.B.I CASE District- PATNA

1. Satyendra Narayan Singh, aged about 55 years, Son of Late Gagan Deo Singh, resident of Village- Dihati, P.S. Sahiyara, District- Sitamarhi.

.... Petitioner/s

Versus

1. State of Bihar through C. B. I.

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.51464 of 2018)

For the Petitioner/s : Mr. Satyendra Rai, Adv

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

For the C.B.I. : Mr.Bipin Kumar Sinha, S.C./C.B.I.

(In Cr.Misc. No.54352 of 2018)

For the Petitioner/s : Mr. Kripanand Kumar Prabhakar

For the C.B.I. : Mr. Sanjay Kumar (SC,CBI)

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 31-10-2018 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State in both the applications.

The petitioners are apprehending their arrest in



a case registered for the offences punishable under Sections 120 (B) read with 420 of the Indian Penal Code.

Petitioner-Dr. Amrendra Kumar was a Doctor in Post Graduate Courses and petitioner-Satyendra Narayan Singh is father of a candidate, who was willing to get admission in M.B.B.S. courses. Initially petitioner-Dr. Amrendra Kumar was a prosecution witness. However, during investigation, it revealed that petitioner-Dr.Amrendra Kumar was in talking term with co-accused-Arun Kumar and some of the prospective candidate for M.B.B.S. course and on the basis of call details, it revealed that petitioner-Dr.Amrendra Kumar was also involved in managing backdoor entry of the candidates in M.B.B.S. courses. Since petitioner-Satyendra Narayan Singh was father of one of the prospective candidates, allegation against him is that he was also involved in talking term with some of the co-accused.

Submission of the learned counsel for the petitioners is that the candidates, who appeared for the genuine candidates, have already been allowed regular bail and the genuine candidates, on whose behalf, impersonation was made, were allowed anticipatory bail by this Court for the reason that cheating by impersonation is



a bailable offence and no other offence was made out against them.

Contention is that the allegation against the petitioners is of mere conversation, with some of the candidates or other co-accused, who were not candidates, is not enough to attract the offence.

Learned counsel for the C.B.I. opposed the prayer for anticipatory bail by filing counter affidavit and making submission that petitioner-Dr.Amrendra Kumar has got a criminal antecedent as disclosed in paragraph-3 of the bail petition.

The material collected during investigation especially the conversation of the petitioners with other co-accused clearly brings out a case of conspiracy for achieving their goal of ensuring backdoor admission of some of the willing candidates.

Considering the facts of this case and grant of bail to some other co-accused, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of



learned court below where the case is pending in connection with RC 4 (E)/11(A) (arising out of RC 219 2011 E 0004 dated 13.05.2011), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and further the petitioners shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioners.

(Birendra Kumar, J)

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