

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29423 of 2019

Arising Out of PS. Case No.-16 Year-2016 Thana- C.B.I CASE District- Patna

SUNIL KUMAR SINHA Son of Late Saryug Prasad Resident of Village -
Majhalish Sahay Lane Tilak Maidan, Muzaffarpur, P.S.- Town, Distt.-
Muzaffarpur.

... .. Petitioner/s

Versus

THE UNION OF INDIA THROUGH C.B.I.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.N.K. Agrawal, Sr. Adv

Mr. Devendra Kumar, Adv

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

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 01-08-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 120B read with Sections 420, 468, 471 of the Indian Penal Code and under Section 13(2),13(1)(d) of the Prevention of Corruption Act,registered in connection with RC 16(A)/2016 converted into Special Case No. 10 of 2016.

3. It is submitted that the petitioner has been falsely implicated in connection with fraudulent appointment of Gramin Dak Sewak during the period 2008-2013 under Muzaffarpur Postal Division. It is submitted that the petitioner duly discharged his duties as Assistant Superintendent of the



concerned post office having prepared a report on the basis of T.R. Book of Bihar Sanskrit Shiksha Board, Patna (for short "BSSB") on 25.08.2009 after inspecting the same. Specific statement has been made in para 8 of the petition that such report contains the name of co-accused Navin Kumar and was forwarded to the Senior Superintendent of Post Offices, Muzaffarpur for verification of the status of the candidates and their marks sheets and certificates. In turn, the Senior Superintendent wrote a letter to the Secretary, BSSB, for confirmation with regard to the mark sheet of the candidates but, however, no reply was received from the BSSB. It is further submitted that the petitioner was the recommending authority for appointment of Gramin Dak Sewaks and for the purpose, he scrutinized all the 142 applications received pursuant to advertisement published on 03.06.2008, including that of co-accused Navin Kumar. Of the 12 candidates, including co-accused Navin Kumar who has been made co-accused in the FIR, nothing incriminating against 11 candidates has been found during verification. Accordingly, charge sheet was filed only against the petitioner and co-accused, Navin Kumar. It is further stated that in similar circumstances relating to other FIRs., some beneficiaries have been granted anticipatory bail such as, Krishna Prasad in Cr. Misc. No. 403 of 2018. The petitioner claims clean antecedents.



4. Learned counsel for the C.B.I., on the other hand opposes the petition, submitting that after due investigation, charge sheet has been filed against the petitioner and co-accused Navin Kumar upon finding adequate material. It is submitted that the petitioner was the recommending authority and based on his recommendation, co-accused Navin Kumar was appointed on the post of Gramin Dak Sewak as he was shown to have secured the highest marks of 783 out of 900 on the basis of fake and forged mark sheet of BSSB. It is further stated that the petitioner dishonestly reported that he had attended BSSB on 19.08.2009 for verification of mark sheet of co-accused Navin Kumar and verified the mark sheet as per T.R. Book. He has further dishonestly stated in his report dated 25.08.2009 that co-accused Navin Kumar, Roll No. 57 of Roll Code 52 of 1998 secured 783 marks in the examination. It is stated that while some of the beneficiaries have been granted anticipatory bail by this Court, none of the officials has been granted such privilege. The application for grant of anticipatory bail on behalf of Arvind Pratap Kumar, Inspector of the Post Office, who was entrusted with the work of verification and recruitment has been rejected by this Court in Cr. Misc. No. 47409 of 2015 as well as by the Hon'ble Apex Court, whereafter he was granted regular bail in Cr. Misc. No. 43115 of 2016. Other officials in similar cases relating to different FIRs., such as



Shailendra Kumar Mishra (Cr. Misc. No. 5692 of 2019) and Rajesh Kumar (Cr. Misc. No. 66856 of 2018) have been denied the privilege of anticipatory bail by this Court.

5. Having heard the parties and having regard to the nature of accusations and gravity of offence alleged, this Court is not inclined to grant the privilege of anticipatory bail to the petitioner. The anticipatory bail petition stands dismissed.

(Vikash Jain, J)

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