

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56088 of 2018

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

Upendra Narayan Jha @ Upendra Narain Jha, Son of Ramswarth Jha, resident of Village- Jitwarpur Kumhira, Police Station- Sarairanjan, District Samastipur.

... .. Petitioner/s

Versus

The Union Of India, Through C. B. I., Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr.Adv. Mr.Sanjay Kumar, Adv. Mr. Jai Prakash Singh, Adv.
For the Opposite Party/s :		Mr. Sanjay Kumar, SC,CBI

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 21-01-2019 Heard learned senior counsel for the petitioner and learned Standing Counsel representing the Central Bureau of Investigation.

Petitioner, in the present case, is seeking anticipatory bail in connection with RC Case No.04(A)/2013, corresponding to Tr.No.27/2018, registered for the offences punishable under Sections 120-B read with 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.

Learned senior counsel for the petitioner submits that, as per the allegations, the petitioner had got his appointment as Gramin Dak Sewak (GDS) by using fake and forged



testimonials issued by Bihar Sanskrit Shiksha Board. It is submitted that the petitioner had done Madhyama from Bihar Sanskrit Shiksha Board and had produced the certificate/marksheet of Madhyama of the said Board which is alleged to be fake certificate. It is, however, the case of the petitioner that he had never used any forged certificate for getting appointment. Learned senior counsel representing the petitioner submits that in identical situation, learned coordinate Bench of this Court has been pleased to extend the privilege of anticipatory bail to the accused in Cr.Misc.No.39439 of 2018, Cr.Misc.No.31640 of 2018, Cr.Misc.No.52679 of 2018 and lastly in Cr.Misc.No.52839 of 2018.

On the other hand, learned Standing Counsel representing the Central Bureau of Investigation submits that no doubt some of the Hon'ble coordinate Benches of this Court have granted anticipatory bail to the petitioners in those cases, but at the same time at least in two cases i.e. in Cr.Misc.No.48444 of 2018 and Cr.Misc.No.49757 of 2018, the prayer for anticipatory bail of those petitioners was rejected.

In the aforesaid circumstances, as this Court was called upon to take a view, the Court wanted to know from the learned Standing Counsel for the Central Bureau of



Investigation as to whether or not the Central Bureau of Investigation has accepted the order contained in Annexures-5, 6, 7 and 8 and recently passed order dated 17.12.2018 in Cr.Misc.No.52839 of 2018, learned Standing Counsel has categorically submitted that the Central Bureau of Investigation has not gone in appeal against those orders.

In the aforesaid view of the matter, in order to maintain uniformity, this Court would take a view in tune with those cases in which privilege of anticipatory bail has been granted to the petitioners particularly when nothing has been brought before this Court to show that the case of the petitioner is different from those cases. This application is, thus, allowed.

In case of arrest or surrender of the petitioner within a period of four weeks from today, the abovenamed petitioner shall be enlarged on bail on furnishing bail bond of Rs.15,000/- (rupees fifteen thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, Muzaffarpur in connection with RC Case No.04(A)/2013, corresponding to Tr.No.27/2018, subject to the condition that petitioner shall join the investigation immediately by reporting to the Investigating Officer within a period of two weeks from today and shall cooperate in course of investigation. This will be



in addition to condition prescribed under Section 438(2) of the
Cr.P.C.

(Rajeev Ranjan Prasad, J)

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