

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37507 of 2019

Arising Out of PS. Case No.-8 Year-2014 Thana- C.B.I CASE District- Patna

Shailendra Kumar Mishra Son of Late Raghubir Mishra Resident of Village -
Patore, P.S.- Hayaghat, Distt – Darbhanga. Petitioner/s

Versus

The Central Bureau Of Investigation, Bihar, Patna Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prafull Chandra Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 05-07-2019 Heard learned counsel for the petitioner and learned
Standing Counsel for the CBI.

The petitioner has filed the instant application praying for bail in connection with Special Case No. 4 of 2014 arising out of R.C. No. 8A of 2014 registered for the offences punishable under section 120B read with sections 420,468, 471 of the Indian Penal Code and Section 13(ii) read with section 13(i)(d) of the Prevention of Corruption Act.

As per the allegation in the FIR, an information was received to the effect that Shri Shyam Pandey, the then Superintendent of Posts, Madhubani being the appointing authority of Gram Dak Sevak Branch Post Master, appointed various candidates on the basis of fake certificates purportedly issued by the Bihar Sanskrit Siksha Board, Patna. As per the allegations, on the basis of fake and forged certificates, the accused persons in connivance with Shri Shyam Pandey were appointed in the department of Posts as Gram Dak Sevak



(GDS), Branch Post Master (BPM) etc. With respect to the petitioner it was alleged that he was the Inspector of Posts, Madhubani at the relevant time. He is said to have verified the photocopy of mark-sheet of one Rajesh Kumar from the tabulation register made available to him in the examination Branch of the Sanskrit Board and put the remark as 'verified from T.R. of examination Branch of Sanskrit Board and found correct.' Thus, the allegation that he deliberately gave a wrong report abusing his official position with respect to the certificate and mark-sheet of the said Rajesh Kumar. As a result of this connivance and conspiracy Rajesh Kumar was appointed as Gram Dak Sevak Branch Post Master.

It is submitted by learned counsel appearing for the petitioner that he is not named in the FIR. It was Shyam Pandey who was the appointing authority being the Superintendent of Posts and personally responsible for verification of certificate. It was further submitted that as directed, the petitioner went to the office of the Sanskrit Siksha Board and as per the documents shown by the official of the Board, he has verified the documents. It was also submitted that other similarly situated persons have also been granted bail by orders dated 20.09.2018 and 21.12.2018 enclosed as Annexure 9 and 9/1 to this



application.

The learned Standing Counsel for the CBI submitted that in course of investigation, as per the report and the concerned tabulation register of the Sanskrit Siksha Board, certificate produced by the selected candidate Rajesh Kumar was found to be forged. Thus, it was evident that the said Rajesh Kumar had obtained the job on the basis of fake and forged Madhyama Certificate which had been certified to be true on verification from the tabulation register of the examination branch of the Sanskrit Board by this petitioner. It was further submitted that bail applications of some similarly situated persons have been rejected by order dated 20.12.2017 passed in Cr. Misc. No. 43115 of 2016. It is finally submitted that final report/charge sheet no. 7 of 2016 has been submitted in the Court of Special Judge II, CBI, Patna on 14.06.2016.

Having heard learned counsel for the petitioner and learned Standing Counsel for the CBI and having gone through the record as also a copy of the final report/charge sheet submitted by the CBI in this case, it transpires that the petitioner who was the then Inspector of Posts, Madhubani was asked to verify the certificates of seven candidates who were appointed as Gram Dak Sevak in the post offices. He carried out the



verification. It subsequently transpired that out of the verification done of the seven candidates, the report with respect to one candidate namely, Rajesh Kumar was incorrect. However, it has not transpired in the final report/ chargesheet submitted by the CBI, a copy of which was provided by the learned Standing Counsel for CBI in Court, as to what did the petitioner gain as a result of the said incorrect/erroneous report with respect to Rajesh Kumar.

Having heard learned counsel for the parties and taking into consideration the fact that the petitioner is employed as an Inspector in the Post Office, the investigation in the case has concluded with submission of the charge-sheet and that other similarly situated persons have been enlarged on bail vide orders contained in Annexure 9 series, the petitioner named above is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, C.B.I.-II, Patna in R.C. No. 8A of 2014 subject to the condition that one of the bailors shall be a close relative of the petitioner.

(Partha Sarthy, J)

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