

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56582 of 2019

Arising Out of PS. Case No.-4 Year-2015 Thana- C.B.I CASE District- Patna

ISHWAR CHANDRA CHAKRAWARTY Son of Late Basudev Yadav @
Ram Babu Singh Resident of Village- Lalji Tola, P.S- Gandhi Maidan,
District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. C.B.I. S.C.B. Patna Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sudish Kumar
For the CBI	:	Mr. Bipin Kumar Sinha, SC
For the Opposite Party/s	:	Mr.Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 13-09-2019 The petitioner apprehends his arrest in connection with
RC-4(S)/2015 registered under Sections 379 and 411 of the
Indian Penal Code.

Allegation against the petitioner, as per FIR, is that an
FIR No. 240 of 2001, under Sections 120B and 380 of the
Indian Penal Code, was duly registered at Patna Junction Rail
Police Station against unknown persons by the CBI and on the
basis of the same RC 2(S)/2015 dated 15.09.2015 was
registered. In this case, 4200 Biogas India Public Postage
Stamps of denominations of 2000 Paise (Rs. 20/-) have been
recovered in one search on 02.02.1997 in Gandhi Maidan
P.S.Case No. 25 of 1997 from the residential premises of the



petitioner. It has further been alleged that investigation revealed that 4200 pieces of Indian Public Postage Stamps of 2000 Paise (Rs. 20/-) of Biogas (having total value of Rs. 84,000/-) of said consignment were recovered on 02.02.1997 from the residence of the petitioner by Gandhi Maidan Police Station Patna in Gandhi Maidan FIR No. 25 of 1997 which were found stolen during open delivery dated 22.08.1997. Thus, the petitioner was found in possession of 4200 pieces of Indian Public Postage Stamps.

Learned counsel for the petitioner submits that in Gandhi Maidan P.S.Case No. 25/1997, the petitioner has been acquitted by the trial court. Learned counsel further, relying upon Annexure-5 of the application, submits that petitioner has been granted bail by this Court in G.R.P.S.Case No. 240 of 2001 vide Cr. Misc. No. 36319 of 2005. He submits that after investigation, charge sheet has been submitted by the CBI and cognizance against the petitioner has already been taken and there is no chance of absconding or tampering with the evidence by the petitioner. Learned counsel further submits that during investigation of Gandhi Maidan P.S.Case No. 25 of 1997, two cases were registered by the CBI i.e., present one and another RC 2(S) of 2015. Learned counsel submits that in RC 2(S) of



2015, petitioner has been granted anticipatory bail by this Court in Cr. Misc. No. 47962 of 2018.

On the other hand, Mr. Bipin Kumar Sinha, learned counsel appearing on behalf of the CBI, vehemently opposes the prayer for anticipatory bail and submits that the CBI has found material against the petitioner and acquittal of the petitioner by the trial court in a police case was having different consideration and the CBI has collected other materials against the petitioner.

After having heard learned counsel for the parties and taking into consideration the fact that investigation in the present case has already been completed and cognizance has been taken by the learned Special Court, CBI, and in the similarly situated cases, petitioner has been granted bail, as such I am inclined to grant anticipatory bail to the petitioner. Let the petitioner, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of Mr. Praveen Kumar Singh, Special Judge-I, Patna in connection with RC 4(S)/2015; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition that



petitioner will surrender his passport in the court and shall not
leave the country without permission of the Court.

(Anil Kumar Sinha, J)

sujit/-

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