

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.69927 of 2018

Arising Out of PS. Case No.-3 Year-2013 Thana- C.B.I CASE District- Patna

Radhakant Pathak, Son of Yogendra Pathak, Resident of Village- Bhalhi, P.O.-
Bhalhi Harpur, P.S.- Bathnaha, District- Sitamarhi.

... .. Petitioner

Versus

The Union of India through C.B.I.

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Devendra Kumar,
For the Opposite Party : Mr. Sanjay Kumar, S.C. C.B.I.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

3 28-01-2019 Heard learned counsel for the petitioner and learned
counsel for the C.B.I.

The petitioner is apprehending his arrest in a case for the offence registered under Sections 120(B), 420, 467, 468, 477(A), 471 of the IPC and Section 13(2) read with Section 13(i)(d) of the Prevention of Corruption Act.

The prosecution story, in brief, is that the Additional Superintendent of Police, C.B.I., ACB, Patna, received a reliable information that Gramin Dak Sevaks (G.D.S.) had been appointed in the post offices under the jurisdiction of Superintendent of Post, Sitamarhi, on the basis of fake educational certificates issued by Bihar Sanskrit Siksha Board and other Institutions during the period of 2008-2012. On the basis of above information, a preliminary enquiry was made and during course of enquiry, it transpired that 17 candidates



were appointed during the period of 2008-2012 on the basis of certificates issued by Bihar Sanskrit Siksha Board, Patna. It has further transpired that the certificates have not been issued by Bihar Sanskrit Siksha Board in the name of candidate and thus, the certificates were fake and forged. It is further alleged that on the basis of said fake and forged certificate, accused persons in connivance with the Postal Department authorities got appointed in the Department of Post as Gramin Dak Sewak (G.D.S.).

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has been made accused in the present case due to mistake of fact. Allegation made in the F.I.R. is denied by the petitioner. It has further been submitted that the petitioner is ready to deposit an amount of Rs. 25,000/- (Rupees Twenty Five Thousand Only) in the learned court below which shall be subject to final disposal of the case. Other co-accused persons have been granted anticipatory bail by another Co-ordinate Bench of this Court vide Cr. Misc. No. 48588 of 2015 order dated 16.10.2015, Cr. Misc. No. 36594 of 2017 order dated 12.02.2018, Cr. Misc. No. 50908 of 2018 order



dated 26.09.2018 as well as by this Court vide Cr. Misc. No. 54298 of 2015 order dated 11.03.2016 vide Annexure-2 series to the present application.

On behalf of the learned counsels for the State and opposite party, it has been submitted that the petitioner is named in the F.I.R/ complaint case.

Considering the aforesaid facts and circumstances, the petitioner is directed to deposit an amount of Rs. 25,000/- (Rupees Twenty Five Thousand Only) in the learned court below which shall be subject to final disposal of the case. On doing so, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds 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., Muzaffarpur, in connection with C.B.I. R/C 03 (A)/2013, Tr. No. 20/2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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