

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67185 of 2019

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

LAL BABU PRASAD Son of Mangani Shahu, Resident of Village - and P.O.
- Patsa, P.S.- Kundal, Dist.- Samastipur.

... .. Petitioner/s

Versus

THE UNION OF INDIA THROUGH S. P., C.B.I., A.C.B., PATNA Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vasudeo Ram
For the C.B.I : Mr. Bipin Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 04-11-2019 Heard both sides.

The petitioner apprehends his arrest in R.C. case No. 04(A)/2013 corresponding to T.R. No. 27/2018 registered under Section 120-B read with Section 420, 467, 468, 471, 477-A of the IPC and u/s 13(2) read with Section 13(1) (d) of Prevention of Corruption Act, 1988.

The gist of the allegation is that petitioner produced Madhyama pass certificate along with marks-sheet bearing Roll No. 456, Roll Code, 2202, of the year 2005 and claimed that he obtained 630 marks out of 700 marks and on such certificate petitioner obtained appointment on the post of Gramin Dak Sevak (GDS) with the collusion of other postal officials and the teachers of the school.

The learned counsel for the petitioner submits that



petitioner has been falsely implicated in the case. The certificate submitted by the petitioner was duly issued by the Bihar Sanskrit Shiksha Board and there is nothing on record to show that petitioner forged the aforesaid certificate and marks- sheet issued by the Bihar Sanskrit Shiksha Board. It is further submitted that similarly situated accused persons, namely, Vandana Kumari, Surya Prakash Bharti, Ashish Kumar Singh have already been granted anticipatory bail by different benches of this court and the case of the petitioner stands on the same footing.

On the other hand, while opposing the prayer for anticipatory bail of the petitioner, the learned counsel for the C.B.I. submits that anticipatory bail of similarly situated accused Rajeev Kumar Singh has been rejected vide order passed in Cr. Misc. No. 48444/2018.

From the facts collected during the course of investigation, it transpired that petitioner did not even appear in the Madhyama examination but he submitted forged certificate and marks-sheet bearing Roll No. 456, Roll Code 2202, of the year 2005 and from perusal of cross list it appears that one Abdul Razak son of Ajmal Ansari having Roll No. 456, Roll Code 2202, appeared at the examination of 2005 and he became



unsuccessful. This fact shows that petitioner did not even appear at the examination and he obtained forged certificate with the collusion of other accused persons to get appointment on the post of GDS.

Taking into consideration the facts aforesaid, I am not persuaded to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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