

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.11538 of 2020**

Arising Out of PS. Case No.-2 Year-2017 Thana- C.B.I CASE District- Patna

SHANKAR KUMAR @ SHANKAR SONAR Son of Shiv Nandan Prasad
Resident of Village - Warsaliganj Main Road, Near Bijli Office, P.S.-
Warsaliganj, District- Nawada

... .. Petitioner

Versus

1. The Hon'ble High Court, through Registrar General,
2. The C.B.I., S.P. Patna Bihar

... .. Opposite Parties

Appearance :

For the Petitioner/s	:	Mr.Manoj Kumar, Advocate
For the Opposite Party C.B.I.	:	Mr.Bipin Kumar Sinha, Standing Counsel
For O. P. No. 1	:	Mr. Mrigank Mauli, Advcoate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 15-06-2020 Heard learned counsel for the petitioner and learned

Standing Counsel for the C.B.I. as also learned counsel
representing learned Registrar General, Patna High Court.

The petitioner in this case is seeking regular bail in
connection with C.B.I. Case No. RC02(S) 2017 dated
03.05.2017 instituted under Sections 120B, 419, 420, 467, 468
and 471 of the Indian Penal Code.

Learned counsel for the petitioner submits that on
perusal of the first information report lodged by C.B.I. it would
appear that the thrust of the allegation of conspiracy and use of
forged document have been made against the co-accused Ram
Ranjan Kumar who happens to be the Advocate Clerk.

Learned counsel submits that for the alleged



impersonation in the court of learned C.J.M., by the order of learned C.J.M., a case being Nawada Nagar P.S. Case No. 394 of 2015 dated 15.06.2015 under Sections 419, 420, 467, 468, 471 and 120B, 200, 198, 205/34 of the Indian Penal Code was registered and in connection with the same the petitioner remained in custody for one year and four months, whereafter a learned co-ordinate Bench of this Court vide order dated 21.11.2016 passed in Cr. Misc. No. 38028 of 2016 granted him regular bail.

It is submitted that the present FIR has been lodged by C.B.I. by virtue of the order passed by a learned co-ordinate Bench of this Court, however, that part of the allegations in the present FIR is the same and one which form part of the FIR registered by C.B.I. In this case the petitioner has remained in custody for over seven months.

Learned counsel for C.B.I. as well as learned counsel representing learned Registrar General, Patna High Court have jointly opposed the prayer for bail of the petitioner in this case.

It is submitted that this petitioner has committed a serious offence by hatching a conspiracy whereunder for his benefit false affidavits were filed and forged documents were enclosed with those affidavits to show that his wife was



pregnant and was to deliver a child whereas the fact was that he was not a married person and the fake/forged documents were filed repeatedly one after another in the interlocutory applications filed for extension of the provisional bail obtained by this petitioner in connection with Warsaliganj P.S. Case No. 195 of 2014.

Learned counsel submit that considering the seriousness of offence and the kind of materials present on the record which show that the petitioner and co-accused had played fraud upon this Court, at this stage when the case is pending for appearance of the co-accused who are absconding, the petitioner does not deserve privilege of regular bail.

Having heard learned counsel for the petitioner, learned Standing Counsel for C.B.I. as well as learned counsel for learned Registrar General, Patna High Court and upon perusal of the record, this Court has noticed that there are serious allegations against the petitioner. It is alleged that in connection with Warsaliganj P.S. Case No.195 of 2014 when the prayer for bail of this petitioner was rejected on 20.11.2014, another petition being Cr. Misc. No. 51540 of 2014 was filed in which widespread forgery and manipulations were done. I. A. No. 60/2015 was filed on the ground that his wife is pregnant



and date of delivery is expected in the first week of 2015, this Court granted him provisional bail and the petitioner was to surrender before the court below by 31.03.2015 but thereafter, the petitioner filed another I. A. no. 399 of 2015 supported by a medical prescription that he had met with an accident. Learned counsel for C.B.I. has submitted that this medical prescription was found to be forged one. This Court has extended the provisional bail on that ground with a condition that the petitioner will surrender by 18.05.2015 but later on the petitioner again filed I. A. No. 646 of 2015 on the ground that his hip has dislocated and it requires further time in healing. He again got extension on that ground.

Later on one Vicky Kumar impersonated the petitioner and surrendered before the court of learned C.J.M. and in place of this petitioner he was remanded to judicial custody in the case.

Considering the seriousness of the offence, the manner in which a fraud has been played upon the court in obtaining provisional bail and thereafter getting extension from time to time, considering that the petitioner has been taken in custody only on 4.11.2019 whereas other co-accused are still evading arrest, at this stage, this Court is not inclined to enlarge



the petitioner on bail as to this Court it appears that his release on bail may further result in delay in trial of the case.

This application is thus, dismissed.

The petitioner may renew his prayer for bail after framing of charge.

Let the case diary be returned to Mr. Bipin Kumar Sinha, learned Standing Counsel for C.B.I.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

