

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 13664 of 2020

Arising Out of PS. Case No.-2 Year-2016 Thana- C.B.I CASE District- Patna

RAJENDRA SINGH @ SHASTRI @ REJENDRA SINGH @ SHASTRI
JEE, Son of Late Munilal Singh Resident of Near Mangal Deep Apartment,
Gupta House, Patliputra Colony, P.S.- Patliputra, District- Patna-13,
Permanent, Resident of Village - Khaira, P.S.- Daudnagar, P.O.- Angrahi,
District- Aurangabad, Bihar

... .. Petitioner/s

Versus

CENTRAL BUREAU OF INVESTIGATION, THROUGH
SUPERINTENDENT OF POLICE, CBI, PATNA, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satish Kumar Sinha, Adv.
For the Opposite party : Mr.Bipin Kumar Sinha (S.C.)

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 05-06-2020 This case has been heard through Video
Conferencing.

Heard learned counsel for the petitioner and learned
Standing Counsel for the C.B.I., Mr. Bipin Kumar Sinha.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 120B, 420, 467, 468 and 471
& 193 of the Indian Penal Code and Sections r/w 13(1) (d) of
the P.C. Act.

The prosecution case is that in compliance of the
order dated 08.06.2016 passed in Cr. Misc. No.18211/2016,
C.B.I., SCB, Patna registered this case on 14.06.2016. The
complainant in the present case Sri Bateshwar Nath Pandey,



Registrar (Vigilance), Hon'ble High Court, Patna has alleged in his written complaint dated 08.06.2016, that vide Cr. Misc. Appl. No.18211/2016, regular bail was moved before Hon'ble High Court, Patna on the basis of forged and fabricated copy of FIR which was related to FIR No. 155/13, Police Station, Beur. It was further submitted that regular case RC 2(S)/2016-CBI/Patna dated 14.06.2016 was registered under Sections 120-B, 420, 467, 468 and 471 of the I.P.C. against S/Shri (I) Munchun Kumar Rai, (ii) Nagina Rai (iii) Ganesh Kumar and (iv) Sh. Jai Kuamr, Advocate on record (AOR No. 1047) (v) Sh. Ran Vijay Kumar Singh, Advocate on Record (AOR No. 4609) and unknown others on the allegations of securing regular bail of the petitioners in Cr. Misc. No.18211/2016 related to the Beur Police Station Case No. 155/2013 under Sections 302/120 "B" / 34 I.P.C. on the basis of forged and fabricated copy of FIR, interpolated impugned order, fabricated web copies of Hon'ble High Court's order and also by suppressing vital facts in the petition filed before the Hon'ble High Court, Patna. It is also revealed that Rajendra Singh @ Shastri, APP Advocate has handed over the file of Cr. Misc. No. 4198/2016 related to Nagina Rai to Advocate Manoj Kumar Pandey for arguing before the Bench on the date of hearing. He was also in regular



touch with Arun Kumar Tiwari on the latter's mobile no. 7444378817. They were in contact with each other on mobiles for several times between July 2015 to June 2016.

Learned counsel for the petitioner submits that the petitioner innocent and has committed no offence much less the offence alleged in the FIR and has falsely been implicated in the present case merely on suspicion as there is no tangible material on record showing complicity of the petitioner in the present case. He submits that the petitioner is not named in the FIR. So far as this petitioner is concerned the arguing counsel Mr. Manoj Kumar Pandey disclosed his name without any corroborative materials. There is ample material on record showing complicity of different persons but reason best known to the I.O. who without any corroborative material or evidence made the petitioner accused in present case on the statement of Mr. Manjo Kumar Pandey, Advocate. He submits that the petitioner is discharging the duty of Addl. Public Prosecutor since 2004 and continued to discharge the obligation without any complaint. He submits that the petitioner is a practicing advocate since 1992 and still active member of bar and actively participated in the activity of Advocate Association.

Learned counsel for the petitioner submits that from



the perusal of FIR it is appeared that fraud was detected by the Hon'ble Court alleged to be committed by the other accused persons named in the FIR. Petitioner is not named in FIR.

Learned counsel for the petitioner submits that in course of investigation no cogent material has been collected against the petitioner.

Learned counsel for the petitioner further submits that it is prevalent practice that on instruction of client, Advocate concerned pursued the litigation as Advocate concerned has no source of collecting information regarding the instruction given by client, however, in case in hand, petitioner, a practicing lawyer did not have any relation of advocate and client but he is paying the price of acting as a good Samaritan and unnecessarily dragged in the present case. The petitioner is in jail custody since 13.12.2019. The petitioner is remanded in Special Case No. 6/19 arising out of RC Case no. 2 (S)/2016 registered u/s 120B, 420, 467, 468 and 471 & 193 of the Indian Penal Code and Sections r/w 13(1) (d) of the P.C. Act.

Learned counsel for the C.B.I. Mr. Bipin Kumar Sinha submits vehemently opposes the prayer for bail and submits that his case may be listed alongwith Cr. Misc. No. 10739/20. He submits that chargesheet has been submitted in the present case.



He further submits that on the impugned order that self show that in the chargesheet there is sufficient material against the petitioner on page Nos. 15, 18, 36, 37 and 39 of the chargesheet regarding petitioner involvement in the said occurrence. Chargesheet has been submitted u/s 34, 120B read with Sections 420, 467, 468, 471 & 193 of the I.P.C. and substantive offence u/s 420, 467, 468, 471, 193 I.P.C. r/w 13 (1) (d) of the P.C. Act.

Considering the aforesaid facts and circumstances, the chargesheet has been submitted in the present case and petitioner is in jail custody since 13.12.2019 and there is no allegation of tampering of witness alleged against the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each in connection with Special Case No. 06/2019 arising out of RC Case No. 2 (S)/2016 to the satisfaction of the learned Special Judge CBI-II, Patna, subject to the following conditions:

(1) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court



concerned.

(2) The petitioner shall co-operate with the investigation, if not already concluded and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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