

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20455 of 2020

Arising Out of PS. Case No.-15 Year-2019 Thana- C.B.I CASE District- Patna

=====

Anand Sagar Kachhap Son of Sri Sabulal Kachhap Resident of Village -
Bargawan, P.O. and P.S.- Bhandaria, District - Garhwa (Jharkhand).

... .. Petitioner/s

Versus

1. The Union of India through the C.B.I, Patna, Bihar
2. The State of Bihar Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr.Hemant Kumar Karan
For the C.B.I	:	Mr. Bipin Kumar Sinha

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 10-09-2020 The matter has been taken up through virtual

Court proceeding.

Since the court proceeding is non-functional in

physical mode due to the present pandemic COVID-19,

the matter is listed with defects.

Learned counsel for the petitioner undertakes to

remove the defects within three weeks of the resumption

of the physical Court proceedings.

In case of non-removal of the defects, the

office shall place the matter before the bench.

Heard learned counsel for the petitioner and



learned counsel for the State and the C.B.I.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 120B, 420, 467, 468, 471 of the Indian Penal Code, 1860.

The prosecution case as per the written report of Superintendent of Police, C.B.I, A.C.B, Patna dated 16.12.2019 is to the effect that the petitioner got himself appointed as GDSMC Gramin Dak Sewak(Mail Carrying), Ramdhira B.O under Rohtas Postal Division on the basis of forged and fabricated Madhyama certificate claiming to have passed the examination having Roll No. 553, Registration No. 381330/2005 issued by the Bihar Sanskrit Shiksha Board, Patna.

It is submitted by learned counsel for the petitioner that certificate was actually issued by the Bihar Sanskrit Shiksha Board. The petitioner submitted the same and the appointing authority, after due verification of all the documents appointed the petitioner.



It is further submitted that petitioner has also passed the Annual Secondary Examination, 2004 conducted by the Jharkhand Academic Council, Ranchi. The petitioner has now been dismissed from service and the investigation has already been concluded, therefore, his prayer for anticipatory bail might be considered.

Mr. Bipin Kumar Sinha, learned counsel for the C.B.I submits that Bihar Sanskrit Shiksha Board has supplied information to the effect that in the concerned year, the last candidate appeared in the examination bears roll No. 514. In fact, the board did not issue any certificate bearing Roll No. 553 to any candidate in the concerned year. From the record of the school in question also, no such candidate in the name of the petitioner and having such roll number appeared and passed the examination in the year 2004. The claim of the petitioner to have passed Annual Secondary Examination, 2004 from the Jharkhand Academic Council, Ranchi has no relevance as his appointment as



GDSMC (Gramin Dak Sewak(Mail Carrying) was made on the basis of Madhyama certificate issued by the Bihar Sanskrit Shiksha Board, Patna which has been found to be forged.

Considering the fact that the certificate on the basis of which the petitioner got appointed has been found forged and on conclusion of investigation, charge-sheet has already been submitted against the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner.

The application stands rejected in connection with R.C. Case No. 15/S/2019, arising out of C.B.I/ACB/Patna, 2019, pending in the Court of learned Special Judge, C.B.I-II, Patna.

(Dinesh Kumar Singh, J)

Shageer/-

U		T	
---	--	---	--

