

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75789 of 2019

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

Vikash Kumar Singh, Son of Raj Kumar Singh, Resident of Village -
Kumhara Pakad, Ward No.15, P.O.-Mirapur, Dholi (Moraul), Dist.-
Muzaffarpur.

... .. Petitioner

Versus

The Union of India through Superintendent of Police., Central Bureau of
Investigation, A.C.B., Patna

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Vasudeo Ram, Advocate

For the Opposite Party/s : Mr. Bipin Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

4 17-06-2020

Heard the parties via video conferencing.

By way of the present application, the petitioner has sought for pre-arrest bail in connection with R.C. Case No.4(A) of 2013 corresponding to T.R. No.27 of 2018 registered for the offences punishable under Sections 420 and 471 of the Indian Penal Code.

It would appear from the first information report that 21 persons were named in the first information report on the basis of allegation that they obtained appointment on the post of Gramin Dak Sewak under the jurisdiction of Superintendent of Post, Samastipur on the basis of fake educational testimonials issued by the Bihar Sanskrit Shiksha Board and other institutions. Many of the accused named in the FIR have been



granted pre-arrest bail by different orders passed by different benches of this Court.

Learned counsel appearing for the CBI submitted that several accused have also been denied privilege of pre-arrest bail by this Court vide orders dated 04.11.2019, 18.12.2019 and 16.11.2019 passed in Cr. Misc. No.67185 of 2019, Cr. Misc. No.61611 of 2019 and Cr. Misc. No.62546 of 2019 respectively by different benches of this Court.

Since there is divergent view expressed by different benches with regard to bail application of different accused persons, it would be appropriate to consider the case of the petitioner on its own merit without being influenced by the orders passed in case of other co-accused persons.

It would be evident from the materials on record that on completion of investigation, the police have already submitted charge-sheet in the case vide Charge-sheet No.58 of 2015 dated 29.10.2015. The instant application under Section 438 Cr.P.C. has been filed after four years of submission of the report by the police under Section 173(2) of the Cr.P.C. From perusal of the police report submitted under Section 173 of the Cr.P.C., it would appear that the petitioner had applied for the post on the basis of his Madhyama mark-sheet having total



marks as 631 out of 700 with the roll no. 560 of roll code 1501 for the year 2005. Since the mark-sheet shown to have been obtained by the petitioner to be the maximum in comparison to the marks of other candidates, he was selected to the post of GDS, BPM, Chakpahar, BO of Samastipur postal region. On verification, it was revealed that the certificate produced by the petitioner was false since the roll no. 560 of roll code 1501 for the year 2005 had been allotted to one Anjani Kumar, who has passed in second division.

Since the petitioner had obtained the job on the basis of fake and forged Madhyama certificate and investigation of the case has already been completed way back in the year 2015, I am not inclined to grant him pre-arrest bail. The application is rejected.

(Ashwani Kumar Singh, J.)

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