

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84511 of 2019

Arising Out of PS. Case No.-1 Year-2008 Thana- C.B.I CASE District- Patna

1. BRAJ KISHORE SINGH Son of Late Nathuni Singh Resident of Village - Aspura, P.S.- Bikram, District - Patna.
2. Subodh Kumar Son of Late Nathuni Singh Resident of Village - Aspura, P.S.- Bikram, District - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR THROUGH SUPERINTENDENT OF POLICE,
CENTRAL BUREAU OF INVESTIGATION, PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.S.N.P. Sinha, Sr. Adv.
	:	Mr. Pramod Kumar
	:	Mr. Kundan Kr. Sinha
For the Opposite Party/s	:	Mr.Bipin Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 09-01-2020 Heard the learned counsel for the petitioners and
the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Patna Junction Rail PS case no. 29 of 1998 registered for the offences punishable under Sections 409, 420, 468, 471 of Indian Penal Code and Section 13(2) read with Section 13(1)(d) of Prevention of Corruption Act, 1988.

The allegation is regarding the petitioners herein and others having conspired and fraudulently prepared National Savings Certificates in their names/ in the name of their Firm worth Rs. 4 lacs, for the purposes of award of contract, by misusing stolen N.S.C. certificates.



The learned Senior counsel for the petitioners has submitted that the fact is that originally when N.S.C. leaves were stolen and allegations were levelled against various accused persons of misusing the same to their benefits, an F.I.R. bearing Patna Junction Rail PS case no. 29 of 1998 was registered for the offences punishable under Sections 468, 409, 120(B), 379 of Indian Penal Code. It is further submitted that in the said F.I.R., it was alleged that National Savings Certificate and Kisan Vikas Patra were looted from the railway wagon at Patna Junction and the petitioners, along with others, had misused the stolen National Savings Certificate leaves for the purposes of depositing National Savings Certificate as security while availing contract from the Bihar Government Department. It is further submitted that the petitioner no. 1 was granted anticipatory bail in the aforesaid case by a co-ordinate Bench of this Court vide order dated 19.12.2006 passed in Cr. Misc. no. 12597 of 2006 and thereafter, the petitioner no. 2 had also been granted the privilege of bail by the learned court below. It is further submitted that when the scam of bogus N.S.Cs. worth several crores of rupees came to the knowledge of this Hon'ble Court, this Court by an order dated 19.08.2008 passed in C.W.J.C. no. 660 of 2006, had directed the C.B.I. to take over the charge of investigation and that is how the present case i.e. R.C.-1 (S)/ 2008



came into being. It is thus submitted by the learned Senior counsel for the petitioners that the petitioners have all along been on bail and they have never misused the privilege of bail and the present C.B.I. case, in connection with which, they have approached this Court for grant of anticipatory bail, is an extension of the earlier Patna Junction Rail PS case no. 29 of 1998 and the allegations levelled in both the cases are same and similar, hence it is submitted that there is no impediment in granting anticipatory bail to the petitioners herein.

Per contra, the learned counsel for the C.B.I. has opposed the prayer for bail and has submitted that some other co-accused persons have been granted regular bail, hence the petitioners should also surrender before the learned court below and seek regular bail.

Having regard to the facts and circumstances of the case, particularly the fact that for the same and similar allegations, earlier the petitioners have been granted bail in connection with Patna Junction Rail PS case no. 29 of 1998 and there is no complain of misuse of privilege of bail by them, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail. Accordingly, the abovenamed petitioners, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of



this order, are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, CBI-II, Patna in connection with Patna Junction Rail PS case no. 29 of 1998, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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