

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2264 of 2020

Arising Out of PS. Case No.-5 Year-2018 Thana- C.B.I CASE District- Patna

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LALAN PRASAD Son of Sri Dhaneshwar Prasad Resident of Village -
Banshi Bigha, P.S.- Belaganj, Distt.- Gaya. At present Statistical Assistant
DTC, Jehanabad (Earlier posted in Sadar Hospital)

... .. Petitioner/s

Versus

THE STATE THROUGH THE CENTRAL BUREAU OF INVESTIGATION.
Govt. of India.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prashant Sinha
For the Opposite Party/s : Mr. Bipin Kumar Sinha

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 20-01-2020 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the C.B.I.

The petitioner is in custody since 22.11.2019 in
connection with Special Case No.08/2018, arising out of CBI,
ACB, Patna P.S. Case No.RC 05 (A)/2018 registered for the
offence under Sections 120(B), 420, 467, 468, 471 and 474 of
the Indian Penal Code.

Learned counsel for the petitioner submits that
petitioner has himself surrendered in connection with the case,
wherein it was alleged that the petitioner was responsible for
preparing the forged and fabricated certificate of one Asha
Kumari, who had taken employment as a teacher and that the



certificate was in his hand writing. Learned counsel for the petitioner submits that said hand writing has never been put to any expert for verification and that the petitioner has been languishing in custody for such certificate. Petitioner is working Incharge of the P.H. Register in the Civil Surgeon Office, Jehanabad and he is not likely to abscond and would co-operate whenever further investigation is required and also during the course of trial. It is submitted that charge sheet has already been submitted and no further investigation is in fact required. Learned counsel for the petitioner further submits that presumption has been drawn that because the petitioner was in-charge of making entries in the register, the certificate which was issued was also false and signatures were also allegedly made by him and not the concerned functionaries. He thus submits that petitioner cannot be prosecuted on the basis of presumption and will face the process of trial as and when required.

Considering the aforementioned facts and circumstances, let the petitioner, above named, be released on bail on his furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, CBI-II, Patna, in connection with



Special Case No.08/2018, arising out of CBI, ACB, Patna P.S.

Case No.RC 05 (A)/2018 with condition that:-

1. One of the bailors will be his own blood relative, preferably, father, mother, son, brother, sister and/or his wife.

2. The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

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

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

(Anjana Mishra, J)

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