

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12545 of 2021

Arising Out of PS. Case No.-12 Year-2017 Thana- C.B.I CASE District- Patna

Saket Kumar @ Shakesh Kumar @ Sakesh Kumar Son of Late Kusheshwar Singh Resident of Village - Jagdishpur, P.s.-Jandaha, Distt.- Vaishali. A/p, C/o mahendra Prasad Sinha, Chitragupta marg, New Jakkanpur, P.S.- Jakkanpur, Dist.- Patna.

... .. Petitioner/s

Versus

1. The Central Bureau of Investigation through Superintendent of Police, C.B.I., Patna Bihar
2. The Registrar (Vigilance), Patna High Court, Patna. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sandeep Kumar, Adv. Mr. Bauye Jee Jha (B.J. Jha), Adv.
For the Opposite Party/s	:	Mr. Bipin Kumar Sinha, SC for CBI

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

6 24-08-2021 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 420, 468, 471 and 120B of Indian Penal Code.

As per prosecution case, the instant F.I.R. was registered in compliance of the order dated 18.10.2016 passed in Cr. Misc. no.1879 of 2015 (Ram Babu Jaiswal vs State of Bihar) and other cases. The accused petitioner therein namely Kameshwar Singh earlier filed two bail petitions vide Cr. Misc. no.8490 of 2014 and Cr. Misc. no.48632 of 2014 which was



rejected vide orders dated 11.4.2014 and 17.12.2014 respectively. He tried to make a fresh attempt for obtaining bail order in his favour by resorting to forgery and manipulation in the documents and records including the F.I.R. and seizure list contained in Cr. Misc. no. 21816 of 2015. Initially, the case was filed in Kalyanpur P.S. Case no.179 of 2013 but after stamp reporting the P.S. case number was changed to Kalyanpur P.S. Case no.189 of 2013. Further a wrong statement was given in paragraph no.2 of the petition to the effect that the petitioner had not moved earlier for grant of anticipatory or regular bail. This petition was permitted to be withdrawn vide Court's order dated 17.7.2015. The instant petition was filed through advocate Alok Kumar and affidavited by Sone Lal Singh, brother of the petitioner. The deponent was identified by one Jitendra Rai A/C to Rajeev Ranjan Singh, Advocate. It is further stated that Kameshwar Singh filed yet another bail application being Cr. Misc. no.38328 of 2015 through Umakant Tiwari, Advocate on 7.8.2015 and the same was affidavited by Ajeet Kumar son of the petitioner therein. Once again the petitioner therein resorted to similar kind of forgery and manipulation and besides forging the impugned order in prosecution story, false assertion was made in paragraph no.2 of the petition. The Court referred the



matter to the learned Registrar General for holding an enquiry who submitted his enquiry report dated 20.7.2016 and came to the conclusion that after stamp reporting there was interpolation in the petition, seizure list and the F.I.R. and the quantity of seized *ganja* had been slashed down from 140 kg to 14 kg by making interpolation in the impugned order and the F.I.R. By order dated 18.10.2016 the Court was pleased to cancel the bail granted to the accused Ram Babu Jaiswal and on direction of the Court an F.I.R. was registered before the Superintendent of C.B.I. against Ram Babu Jaiswal, Kameshwar Singh and their accomplices who were found involved in playing fraud upon the Court.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the case. He is not named in the F.I.R. His name transpired in the confessional statement of Advocate Umakant Tiwari which has been brought on record as Annexure-2 to the petition. It is submitted that from perusal of the same it would transpire that the concerned advocate accepts signing the bail petition and vakalatnama although he states therein that the same was done without reading the contents and at the instance of this petitioner. The advocate states that not having a registered clerk,



on some occasions he used to take assistance of the petitioner for filing of cases. It is submitted by learned counsel for the petitioner that in course of investigation Advocate Ranjeet Tiwari was also examined by the CBI but he has not whispered anything against the petitioner. The only material against this petitioner is the confessional statement of Advocate Umakant Tiwari. The petitioner is in custody since 27.6.2019 and investigation in the case has concluded. There is no chance of the trial concluding in the near future.

Learned standing counsel for the Central Bureau of Investigation ('C.B.I.' in short) referring to the charge sheet submits that the allegations against the petitioner are serious. In course of investigation it was revealed that the case related to Kalyanpur (East Champaran) P.S. Case no.189 of 2013 registered under the NDPS Act besides other sections. Rambabu Jaiswal and Kameshwar Singh were made accused for transporting 140 kgs of *ganja*. Investigation revealed that the bail application was originally filed in Kalyanpur P.S. Case no.159 of 2013, which after stamp reporting and allotment of permanent number were changed to Kalyanpur P.S. Case no.189 of 2013. Forgery and interpolation was done in the F.I.R. as also the impugned order and in the seizure list recovery of only 14



kgs of *ganja* is shown in place of 140 kg. Kameshwar Singh filed a separate bail application. On the Court finding something to be suspicious and doubtful, it directed the learned Registrar General to conduct an enquiry and on receipt of the report the matter was given to the C.B.I. for investigation. It is further submitted by learned Standing Counsel for the C.B.I that the counsel Ranjeet Kumar never practiced in the Patna High Court and his name had been used by forging his signature without his knowledge or consent. In the title, 'Cr.Misc. of 2015 (Ram Babu Jaiswal versus State of Bihar) sub-R.Bail' is written in English in the handwriting of Sakesh Kumar, the petitioner herein and it was the petitioner who has also put the signature of Advocate Ranjeet Kumar on affidavit and certificate. In course of investigation the hand writing samples of the petitioner were taken and sent for opinion to the forensic laboratory ie. CFSL, New Delhi. The report dated 4.10.2018 of CFSL, New Delhi showed a positive match of the petitioner's handwriting and it also established that the petitioner had forged the signature of Advocate Ranjeet Kumar on the bail petition. Thus it is submitted that the final report/chargesheet dated 29.7.2020 of the C.B.I concluded the petitioner to be the kingpin and master mind behind the racket of bail on the basis of forged, fabricated



and interpolated documents. Not only did he fill the vakalatnama in Cr. Misc. no. 1879 of 2015 but has also played forgery by putting signature of Advocate Ranjeet Kumar who was not even practicing in this Court.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case especially the material that has transpired in the investigation conducted by the C.B.I including the match of the handwriting sample of the petitioner as per the report of the CFSL, New Delhi, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Learned trial court is directed to expedite the trial.

(Partha Sarthy, J)

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