

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30188 of 2021

Arising Out of PS. Case No.-3 Year-2013 Thana- C.B.I CASE District- Patna

RAKESH KUMAR S/O LATE HARISHCHANDRA KUMAR R/O
VILLAGE-PARSAUNI KAPUR, P.S. PATAHI, DISTRICT-EAST
CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Devendra Kumar
For the Opposite Party/s : Mr.Bipin Kr. Sinha, SC, CBI.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 13-08-2021 This matter is taken up for consideration through
Video Conferencing.

Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of bail in a case registered for the offence punishable under section 120B read with sections 420, 467, 468, 471, 477 of the Indian Penal Code and section 13(2) read with Section 13 (I) (d) of Prevention of Corruption Act.

The prosecution case in brief is that several Gramin Dak Sewaks (GDS) including the petitioner had been appointed in the post offices under the jurisdiction of Superintendent of Post, Sitamarhi on the basis of fake educational certificates issued by the Board.



It is submitted on behalf of petitioner that petitioner is not named in the FIR and name of the petitioner has come during course of investigation and he has been implicated arbitrary without any basis and all original certificates of the petitioner are in possession of the CBI. It is further submitted that similarly and identically situated co-accused persons have already been granted bail by this court vide Cr. Misc. no.21547/2018 and Cr. Misc. no. 50736/2018. Petitioner has got clean antecedent and is in custody since 10.03.2021.

Learned counsel for the CBI opposed the prayer for bail and submitted that petitioner has got appointment on the basis of forged and fabricated certificates and the Institute was not recognized by the Government.

Considering the fact that charge sheet has been submitted and cognizance has been taken, no useful purpose would be served to keep the petitioner in custody. Accordingly, this bail application is allowed. Let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Special Judge CBI-II, Patna in Special Case no. 04 of 2013, RC case no. 3(A) of 2013 on the following conditions.

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and



shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

s.hassan/-

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