

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.79756 of 2019**

Arising Out of PS. Case No.-18 Year-2016 Thana- C.B.I CASE District- Muzaffarpur

RAMNATH RAI S/o Late Chauti Rai R/o Village- Shahpur, P.S.- Maniyari,
District- Muzaffarpur

... .. Petitioner

Versus

THE STATE OF BIHAR THROUGH SUPERINTENDENT OF POLICE,
C.B.I., PATNA Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Advocate Mr. Rajesh Kumar, Advocate
For the C.B.I.	:	Mr. Bipin Kumar Sinha, Standing Counsel
For the State	:	Mr. Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

10 12-04-2021 Heard learned Senior Counsel for the petitioner, learned
Standing Counsel for the C.B.I. and learned APP for the State.

The sole petitioner in the present case is seeking pre-arrest
bail in connection with RC 18(A) of 2016, T.R. 26 of 2017
registered for the offences punishable under Sections 120B, 420, 468,
471 of the Indian Penal Code and Section 13(2) read with Section
13(1) (d) of Prevention of Corruption Act.

Learned Senior Counsel for the petitioner submits that
earlier this petitioner had moved for grant of anticipatory bail
together with his son who was petitioner no. 1 in Cr. Misc. No.
42224 of 2017. It is submitted that inadvertently, at the time of
hearing of the said application, this Court was given to understand
that both the petitioners in Cr. Misc. No. 42224 of 2017 had applied



for appointment in question on the basis of their marksheet of the Secondary School Examination issued by the Bihar School Examination Board, Patna. It is because of this impression that this petitioner had also applied for appointment on the basis of the fake/forged marksheet, this Court treated the case of this petitioner alike to petitioner no. 1 and the prayer for anticipatory bail of both the petitioners were rejected.

Learned Senior Counsel further points out that in fact this petitioner happens to be the father of the petitioner no. 1 in the earlier case, he had not applied for appointment. His son had applied for appointment as Gramin Dak Sewak and the allegation is that he had submitted a fake marksheet and certificate issued by the Bihar Sanskrit Shiksha Board. So far as this petitioner is concerned, he is aged about 68 years and has been made accused in this case on the allegation that he had helped his son in filling up the forms on the basis of a fake certificate.

Learned Senior Counsel submits that in fact, in similar kind of cases registered separately, several learned co-ordinate Bench of this Court have been pleased to grant pre-arrest bail to the petitioners in those cases. The orders passed in Cr. Misc. No. 52839 of 2018, Cr. Misc. No. 68006 of 2018, Cr. Misc. No.17898 of 2019, Cr. Misc. No.56088 of 2018 and Cr. Misc. No. 40228 of 2018 have been placed before this Court.

Learned Senior Counsel submits that these are the



changed circumstances and the earlier rejection of the prayer for anticipatory bail is based on fact assuming that the petitioner was the candidate, this Court may consider granting pre-arrest bail.

Learned Senior Counsel further submits that so far as the son of the petitioner who was petitioner no. 1 in Cr. Misc. No. 42224 of 2017 is concerned, he has now surrendered and in this regard a surrender certificate with supplementary affidavit has been filed on 10th of April, 2021 and copy of the same has already been served on Mr. Bipin Kumar Sinha, learned Standing Counsel for the C.B.I.

Mr. Bipin Kumar Sinha, learned Standing Counsel for the C.B.I. is present. In course of his argument, learned counsel does not dispute the fact that so far as this petitioner is concerned, he was not a candidate for appointment and to that extent the facts noticed by this Court in its earlier order seems to be based on a wrong submission.

Learned counsel for C.B.I. is also not disputing the submission that in separate cases registered for the similar kind of offence against different candidates, several learned co-ordinate Benches of this Court have extended the privilege of anticipatory bail. The case number of those cases have already been taken note by this Court hereinabove.

In the aforesaid view of the matter, in fact, learned counsel for the C.B.I. has not opposed the prayer rather made a submission that this Court may pass an appropriate order.



Having regard to the facts and circumstances of the case and upon noticing the earlier order dated 17.10.2017, it seems that the prayer for anticipatory bail of this petitioner was rejected after taking note of a submission that this petitioner had also applied for the appointment whereas the said fact is not there and further on noticing that the son of the petitioner has already surrendered and several accused of similar kind of offence have been granted pre-arrest bail by learned co-ordinate Benches of this Court and this has not been controverted by learned counsel for the C.B.I., this Court directs that, the petitioner above-named, in the event of his arrest or surrender within a period of four weeks from today in connection with RC 18(A) of 2016 (C.B.I., Patna R.C. 0232016A0018) T.R. 26 of 2017 be released on bail on furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, C.B.I., Muzaffarpur, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India



without the previous permission of the Court.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

