

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.6024 of 2022**

Arising Out of PS. Case No.-4 Year-2021 Thana- C.B.I CASE District- Patna

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MANISH EKNATH MURKUTE SON OF SRI EKNATH MURKUTE,  
RESIDENT OF FLAT NO. A-701, LAKE GARDENS SOCIETY, POLICE  
STATION- GOVARDHAN VILAS, DISTRICT- UDAIPUR (RAJASTHAN)

... .. Petitioner/s

Versus

THE CENTRAL BUREAU OF INVESTIGATION THROUGH THE  
SUPERINTENDENT OF POLICE, CBI/AC-I, NEW DELHI NEW DELHI

... .. Opposite Party/s

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**Appearance :**

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|----------------------|---|-----------------------------------------------------------------|
| For the Petitioner/s | : | Mr. Ashok Kumar Choudhary, Sr. Adv.<br>Mr. Akshansh Ankit, Adv. |
| For the C.B.I.       | : | Mrs. Nivedita Nirvikar, Sr. Adv.                                |

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

7      26-09-2022                      The present matter has been listed under the heading  
“To Be Mentioned.”

Let the defect(s), as pointed out by the office, be  
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned  
counsel for the C.B.I.

The petitioner seeks bail in connection with CBI R.C.  
Case No. 04A/ 2021 (RC-ACI-2021-A0004), giving rise to  
Special Case No. 01/ 2021 registered for the offences  
punishable under Sections 7, 7A of the Prevention of Corruption  
Act, 1988 and Section 120B of the IPC.

As per prosecution case, the C.B.I. received



information from reliable sources that some public servants entered into a criminal conspiracy with others for showing undue favour to some of the candidates appearing for the oral examination of Computer Based Examinations for Manager's Certificate of Competency (Restricted & Unrestricted), under the Metalliferous Mines Regulations, 1961 and the Coal Mines Regulations, 2017 (1<sup>st</sup> Class and 2<sup>nd</sup> Class Manager's Certificates) conducted by Directorate General of Mines Safety (DGMS) which is the Regulatory Agency under the Ministry of Labour and Employment, Government of India, by manipulating and influencing the members of interview board for qualifying such candidates in lieu of huge amount of illegal gratification.

The accusation against the petitioner is that he was one of the Interview Board Members for conducting oral examination of candidates of CBT, 2020 and in lieu of illegal gratification he extended undue favour to the candidates in oral interview in conspiracy with co-accused Hari Prasad Soni and others and received illegal gratification of rupees eleven lacs from co-accused Hari Prasad Soni who is alleged to be acted as middleman. It is further alleged that during search of residential premises of the petitioner, mobiles as well as cash of Rs.



13,83,500/- was recovered and seized.

Learned counsel for the petitioner submits that petitioner is not named in the FIR. Petitioner is in custody since 14.12.2021 and bears no criminal antecedent. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that co-accused Manoj Kumar Sinha has been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No. 6411 of 2022. Learned counsel further submits that co-accused Kailash Mandal, against whom recovery has been made, has already been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No. 62515 of 2021 and the case of present petitioner stands on similar footing.

Learned counsel appearing for the C.B.I. has opposed the prayer for bail of the petitioner and submits that there is sufficient material against the petitioner. She further submits that recovery of Rs. 13,83,500/- and mobiles were made from residential premises of the petitioner. She further submits that the C.B.I. has also found recorded voice calls as well as whatsapp chat which show involvement of the petitioner in the alleged crime. She also refers paragraph nos. 16.14, 16.15, 16.24, 16.26, 16.27, 16.28, 16.29, 16.30 etc. of the chargesheet



as well as supplementary charge sheet to show the involvement of the petitioner in the alleged crime.

From perusal of the report of Exclusive Special Court, CBI Court No. III, Patna, it is evident that presently the case is pending for framing of charges against all the accused persons.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence, similarly situated co-accused persons have already been granted bail, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail **after framing of charge** on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, C.B.I.-III, Patna in connection with CBI R.C. Case No. 04A/ 2021 (RC-ACI-2021-A0004), giving rise to Special Case No. 01/ 2021, subject to following conditions:-

- (i) One of the bailors shall be wife of the petitioner.
- (ii) Petitioner shall remain present before the trial court on each and every date without fail, failing which the trial



court shall cancel the bail bond of the petitioner.

(iii) 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.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case.

(v) If the petitioner possesses the Indian Passport, he will surrender the same at the time of furnishing bail bond.

(vi) However, if petitioner violates any of the conditions as enumerated above, the trial court is at liberty to cancel the bail bond of the petitioner.

**(Alok Kumar Pandey, J)**

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