

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16961 of 2021

Arising Out of PS. Case No.-3 Year-2018 Thana- C.B.I CASE District- Patna

SHAKESH KUMAR @ SAKET KUMAR Son of Late Kusheshwar Singh
Resident of Village - Jugdishpur, P.O. and P.s.- Jandaha, Distt.- Vaishali., A/P-
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. , A C B, Patna Bihar
2. Patna High Court through the Deputy Registrar, Patna High Court. Bihar

... .. Opposite Party/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

9 17-01-2022 Heard learned counsel for the petitioner and learned

Standing Counsel for the Central Bureau of Investigation ('CBI'
in short) through video conferencing.

The petitioner has preferred the instant application for
grant of regular bail in connection with Case no. RC3(A)/2018
registered under sections 120B read with 209, 420, 467, 468 and
471 of the Indian Penal Code.

On the basis of the order dated 3.5.2017 passed in
Cr. Misc. no.39829 of 2016 an enquiry was conducted by the
learned Registrar General, Patna High Court who submitted his
report dated 4.8.2017 coming to the conclusion that on the basis
of forged rejection order application for bail was presented



before this Court. Consequently, an F.I.R. was registered by the CBI.

It is submitted by learned counsel for the petitioner that the petitioner is not named in the F.I.R. He has been falsely implicated in two other cases wherein he has been granted bail. Referring to the enquiry report of the learned Registrar General which is the basis of the F.I.R., it is submitted that in paragraph no. 4 thereof it would transpire that the advocate concerned in his show cause reply categorically stated that the deponent-father of the petitioner came to his office with a photocopy of the F.I.R., certified copy of the impugned order and Vakalatnama and requested to file the bail petition of the petitioner. Further after proper verification and in good faith the application was filed. Thus it is submitted that at the very first instance the advocate concerned not having named the petitioner, the subsequent statement would not be of much value. The petitioner is in custody since 27.6.2019 and chargesheet has been submitted in the case.

The application for bail is opposed by learned Standing Counsel appearing for the CBI who submits that from the enquiry report submitted in the case it would transpire that bail had been obtained by the accused Karam Singh on the



basis of forged and fabricated records/documents. The Advocate on record stated that he had not prepared the petition of Karam Singh but took up the case at the instance of an old Munshi i.e the petitioner herein, with whom the advocate was acquainted since the day he used to be an Oath Commissioner. It is stated that the petitioner came to the office of the advocate with a person impersonating as the father of Karam Singh, although, the father of the Karam Singh had died much earlier. They had come with prepared copies of the petition containing the photostat copies of the certified copies of the F.I.R. including the seizure list, certified copy of the impugned order of the Lower Court, original Vakalatnama and insisted passionately to take up the case and thus a case was filed. It was in this manner that the case was filed and investigation disclosed that the petitioner herein entered into conspiracy with the accused Karam Singh and obtained bail order by using forged, fabricated and interpolated documents.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the contents of the final report submitted by the CBI as mentioned above together with the fact that the sample writing of the petitioner was sent for expert opinion to FSL, New Delhi wherein the



handwriting of the petitioner was corroborated on the questioned documents, the Court is not inclined to the enlarge the petitioner on bail and the application is rejected.

(Partha Sarthy, J)

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