

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13006 of 2022

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

HARI PRASAD SONI Son of Late Lalji Ram Soni House No. 646, Maharshi Balmiki Ward, Shraddha Nagar, Ward No. 45, Chhindwara, Madhya Pradesh - 480001.

... .. Petitioner/s

Versus

THE UNION OF INDIA THROUGH C.B.I. PATNA Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saroj Kumar Sharma, Adv.

Mrs. Kiran Kumari Sharma, Adv.

Mr. Nilesh Pandey, Adv.

For the CBI : Mrs.Nivedita Nirvikar, Sr. Adv.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

6 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 Special
Case No. 01/ 2021 corresponding to R.C. No. 4(A)/ 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 (1st Class and 2nd 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 acted as middleman and entered in criminal conspiracy with accused Manish Eknath Murkute as well as co-accused Triloki Nath Singh and others and in furtherance thereof, he referred the prospective candidates to both the examiners, seeking favour in the oral examination of CBT, 2020 in lieu of bribe money. It is



further alleged that he obtained bribe money from prospective candidates/middlemen and handed over cash of Rs. eleven lacs for Manish Eknath Murkute on 02.04.2021. It is further alleged that cash of Rs. 10 lacs was seized from his house. He also got rupees ten lac transferred in the account of one Diwakar Mishra on instruction of Triloki Nath Singh. During search a diary was also seized from his house which contains details of 23 prospective candidates in the writing of petitioner.

Learned counsel for the petitioner submits that petitioner is not named in the FIR. Petitioner is in custody since 07.01.2022 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 further submits that petitioner is senior citizen and suffering from Peripheral Neuropathy to which he annexed document as



Annexure-2 series to the petition.

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. 10 lacs was made from house of the petitioner. She further submits that the C.B.I. has also seized one diary from the house of the petitioner which contains details of 23 prospective candidates. She further submits that several recorded voice calls as well as whatsapp chat were seized from mobile of petitioner and other co-accused persons 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 charge sheet 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 Special Case No. 01/ 2021, R.C. Case No. 4(A)/ 2021 dated 18.04.2021, 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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