

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18815 of 2022

Arising Out of PS. Case No.-2 Year-2017 Thana- C.B.I CASE District- Patna

=====

DHEERAJ KUMAR @ DHIRAJ KUMAR VISHWAKARMA Son of Jagdish Vishwakarma Resident of Village - Warsaliganj, P.S. - Warsaliganj, District - Nawada, Permanent resident of Mohalla - Ramchandrapur, P.O. - Laheri, P.S. - Laheri, District - Nalanda.

... .. Petitioner/s

Versus

THE UNION OF INDIA THROUGH CENTRAL BUREAU OF INVESTIGATION

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar
For the Opposite Party/s : Mr. Bipin Kumar Sinha

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 11-08-2022 Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with R.C. Case No. 02 (CS)/2017, arising out of RC 0922017 S0002 dated 03.05.2017 registered for the offence under Sections 120(B), 419, 420, 467, 468 and 471 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 04.08.2021.

The allegation against the petitioner is to sworn affidavit with wrong facts, supported by forged documents in



I.A. No. 60 of 2015 filed in Cr. Misc. No. 43963 of 2014.

Learned senior counsel appearing on behalf of the petitioner submitted that petitioner was the employee of main accused, namely, Shankar Kumar @ Shankar Sonal and under his command and direction only, affidavit annexed with documents were sworn before the Court in I.A. No. 60 of 2015. It is also submitted that this fact further gets its strength from paragraph no. 16.14 of the charge-sheet. It is also submitted that the accused having more serious allegation, namely, Ram Ranjan Kumar, has already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 26380 of 2021 dated 21.12.2021. It is also submitted that petitioner is a man of clean antecedent and never found involved in the case like present, where involvement was under compulsion due to master and servant relation. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned counsel for the CBI, while opposing the prayer of bail, submitted that FSL report is suggesting that affidavit of I.A. No.60 of 2015 was sworn by the petitioner,



having all reasons to presume that he was aware about contents of the said affidavit.

Considering the facts and circumstances as mentioned above, as petitioner is the employee of the main accused having clean antecedent coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with R.C. Case No. 02 (CS)/2017, arising out of RC 0922017 S0002 dated 03.05.2017 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, CBI-I, Patna/concerned court, subject to the condition as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

S.Katyayan/-

U		T	
---	--	---	--

