

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24243 of 2022

Arising Out of PS. Case No.-4 Year-2016 Thana- C.B.I CASE District- Patna

Chandradeo Prasad Son Of Late Munsi Prasad Resident Of Village - New
Atwarpur, P.S.- Prasa Bazar, Distt.- Patna.

... .. Petitioner/s

Versus

The Union of India through C.B.I. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharendra Kumar Sinha, Advocate

Mr. Yashpal Yadav, Advocate

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

For the CBI : Mr. Sourendra Pandey, Standing Counsel, CBI

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

5 15-11-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with R.C.
Case No. 4/S/2016, registered for the offences punishable
under Sections 120B, 420, 468 and 471 of the Indian Penal
Code.

The prosecution case as emerging from the FIR is
that the petitioner with the help of other co-accused persons
played fraud with Hon'ble Patna High Court, Patna for
securing bail.

The learned counsel for the petitioner submits that
the petitioner is innocent and has falsely been implicated in



this case only on the basis of suspicion. He further submits that similarly situated co-accused persons, namely, Nandkishor Singh @ Nandu and Rajendra Singh have been enlarged on bail vide orders dated 24.09.2020 and 28.08.2020, passed in Cr. Misc. No. 19926 of 2020 and Cr. Misc. No. 10739 of 2020, respectively. He further submits that as per the charge-sheet, tampering with figure of the alleged narcotics has been done subsequently after filing of the petition by one Arun Kumar Tiwari in connivance with all the other co-accused. However, there is no allegation of direct role of the accused-petitioner in tampering with the figure of the narcotics substance in the bail petition. He also submits that the petitioner has been languishing in jail since 26.10.2021. He also submits that trial is not progressive and charge has not been framed.

It is also stated in paragraph no. 2 of the petition that the petitioner has never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has been made accused in two more cases,



namely, R.C. 2(S) of 2016 and R. C. 1(S) of 2017.

However, Ld. Counsel for the CBI vehemently opposes the prayer of the petitioner for bail. He fairly submits that as per the charge-sheet, this tampering with the figure of the narcotics in the bail petition has been done subsequently after its filing by one co-accused Arun Kumar Tiwari in connivance with other co-accused, including the petitioner. However, he concedes that there is no allegation of direct role of the present petitioner in the alleged offence.

Considering the aforesaid facts and circumstances, particularly the nature of the allegation as well as the fact that the similarly situated co-accused persons have been enlarged on bail by Co-ordinate Bench of this Court, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Special Judge, C.B.I., Patna in connection with R.C. Case No. 4/S/2016 on the following conditions:

(i) The petitioner will make himself available for



interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner 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.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.



The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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