

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52476 of 2021

Arising Out of PS. Case No.-2 Year-2016 Thana- C.B.I CASE District- Patna

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1. MANOJ KUMAR Son of Late Yogeshwar Singh Resident of village - Bijuliya Chak, P.S. - Sigori, District - Patna.
 2. Dinesh Prasad Son of Sri Murat Prasad Resident of Village - Methwaliya, P.S. - Ribirganj, District - Patna.
 3. Md. Kalam Son of Md. Allauddin Ansari Resident of village - Kanhuli Bazar, P.S. - Bihta, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India through C.B.I. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Sanjay Kumar
For the Opposite Party/s :	Mr.Ram Anurag Singh
	Mrs. Nivedita Nirvikar, SPL PP CBI

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 06-12-2022 Heard learned counsel for the parties.

Petitioners apprehend their arrest in a case registered for the offence punishable under Section 420, 467, 468 and some other ancillary Sections of the Indian Penal Code.

As per the prosecution case, vide Cr. Misc. No. 18211/ 2016 regular bail petition was moved before this court on the basis of forged and fabricated copy of FIR which was related to FIR No. 155/ 2013 of Beur police station.

Learned counsel appearing for the petitioners submits that petitioners are innocent and have falsely been implicated in



the case. Petitioners are not named in the FIR and their names have transpired in the case during the course of investigation. It is further submitted that petitioners are 4th grade employees of the Hon'ble High Court and they have not played any active or passive role in playing fraud upon the High Court. It is next submitted that petitioners had very limited duty to discharge which is confined to bringing the files of the cases from concerned station and returning the same to the concerned station as per the instructions of the concerned officials and they are not the custodian of any of the files or the records of the cases and further the petitioners are peons and thereby in no plausible manner they are capable of interpolating the records in question. Petitioners fully co-operated during the investigation and there is no allegation of tampering with evidence against them. Charge sheet has already been submitted. Petitioners have got clean antecedent.

Learned counsel appearing for the CBI opposes the prayer for anticipatory bail and submits that there is sufficient material against the persons named in the charge sheet regarding their involvement in the occurrence.

Considering the facts of the case, nature of accusation, clean antecedent of the petitioners coupled with the fact that



petitioners fully co-operated during the investigation and there is no allegation of tampering with evidence against them and charge sheet has already been submitted, let the petitioners, above named, in the event of their arrest/ surrender within a period of six weeks from today shall be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Special Judge-II, CBI, Patna in connection with Special case No. 06/ 2019, arising out of RC02(S) 2016-SCB, Patna, subject to conditions laid down u/s 438(2) of the Cr. P. C. with the following conditions: -

(I) The Petitioner/accused should not contact the prosecution witnesses or any person acquainted with the facts of accusation against them so as to dissuade them from disclosing the same to the Court or to the police.

(II) The petitioner/accused should cooperate the trial court in expeditious disposal of the trial against them.

(III) The petitioner/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The petitioner/ accused should not repeat commission of similar offence in future and if they are found to



be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicants in the instant case.

(Prabhat Kumar Singh, J)

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