

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56701 of 2021

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

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MITHILESH KUMAR ARYA S/o LATE SHIV NARAYAN PANDEY @
LATE SHIV NARAYAN PRASAD R/o MOHALLA-TARKESHWAR PATH,
CHIRAIYANTAND, P.S-KANKARBAGH, DISTRICT-PATNA.

... .. Petitioner/s

Versus

CENTRAL BUREAU OF INVESTIGATION THROUGH THE
SUPERINTENDENT OF POLICE, C.B.I, PATNA, BIHAR. PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Kumar

For the Opposite Party/s : Mr.Sourendra Pandey, SPL PP CBI

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

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

Petitioner apprehends his 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 petitioner submits
that petitioner is innocent and has falsely been implicated in the
case. Petitioner is not named in the FIR and his name has
transpired in the case during the course of investigation.
Petitioner is erstwhile Oath Commissioner and he has



committed no offence. It is next submitted that an Oath Commissioner is not required to examine the above mentioned facts regarding the deponent and the identifier as per Hon'ble Patna High Court Rules. He is supposed to believe what is shown to him. The Advocate Clerk, Vinod Kumar has written his false registration No. on the affidavit page. An Oath Commissioner is not required to check all those things. The deponent is solely liable for all these offences. At best it is a case of negligence which is not unusual. Petitioner fully co-operated during the investigation and there is no allegation of tampering with evidence against him. Charge sheet has already been submitted. Petitioner has 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 petitioner coupled with the fact that petitioner fully co-operated during the investigation and there is no allegation of tampering with evidence against him and charge sheet has already been submitted, let the petitioner, above



named, in the event of his 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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