

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.59597 of 2021

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

MADHESHWAR PRASAD SINGH Son of Late Jalim Singh Resident of
Village - Yarpur, Rajputana, P.S.- Gardanibagh, Distt.- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. the C.B.I Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh
For the Opposite Party/s : Mr.Md. Fahimuddin
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.

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. Only



allegation against this petitioner is that he identified the deponent. It is further submitted that there was no intention on the part of the petitioner to commit such type of fault knowingly to identify the person as Sudhir Kumar who appeared before Oath Commissioner and also signed before the Oath Commissioner. Petitioner fully co-operated during the investigation and there is no allegation of tampering with evidence against him. Charge sheet has already been submitted.

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. It is further submitted that petitioner as an Advocate Clerk has identified the deponent Sudhir Kumar, who is a non existent person who has never appeared before him. Petitioner should have identified the deponent but he under conspiracy did not produce the deponent before Oath Commissioner for swearing oath. It is next submitted that petitioner has got criminal antecedent of six cases.

Considering the nature of accusation, gravity of the offence coupled with criminal antecedents of the petitioner, I am not inclined to enlarge the petitioner on anticipatory bail.



Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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