

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71779 of 2021

Arising Out of PS. Case No.-4 Year-2021 Thana- C.B.I CASE District- Patna

ARVIND KUMAR Son of Late Jhari Mahto R/o Deputy Director General of
Mines Safety Central Zone (DGMS) Head Office, Dhanbad (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar through C.B.I. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Adv.

Mrs. Vaishnavi Singh, Adv.

For the Opposite Party/s : Mrs. Nivedita Nirvikar, Sr. Adv.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

5 26-09-2022 The present matter has been listed under the heading
“To Be Mentioned.”

Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
counsel for the C.B.I.

The petitioner seeks bail in connection with R.C. Case
No. 4(A)/ 2021 dated 18.04.2021 registered for the offences
punishable under Sections 7, 7(A) of the Prevention of
Corruption Act, 1988 and Section 120B of the IPC.

As per prosecution case, the C.B.I. received
information from reliable sources that some public servants
entered into a criminal conspiracy with others for showing



undue favour to some of the candidates appearing for the oral examination of Computer Based Examinations for Manager's Certificate of Competency (Restricted & Unrestricted), under the Metalliferous Mines Regulations, 1961 and the Coal Mines Regulations, 2017 (1st Class and 2nd Class Manager's Certificates) conducted by Directorate General of Mines Safety (DGMS) which is the Regulatory Agency under the Ministry of Labour and Employment, Government of India, by manipulating and influencing the members of interview board for qualifying such candidates in lieu of huge amount of illegal gratification.

The accusation against the petitioner is that he was one of the Interview Board Members for conducting oral examination of CBT, 2020 and favoured 48 candidates referred by co-accused Triloki Nath Singh in the said examination in lieu of illegal gratification of Rs. 1.50 lacs per student. It is further alleged that during search of residential premises of the petitioner, cash of Rs. 8.70 lacs was recovered and seized.

Learned counsel for the petitioner submits that petitioner is in custody since 19.04.2021 and bears no criminal antecedent. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution



evidence. Learned counsel further submits that co-accused Manoj Kumar Sinha has been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No. 6411 of 2022. Learned counsel further submits that co-accused Kailash Mandal, against whom recovery has been made, has already been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No. 62515 of 2021 and the case of present petitioner stands on similar footing.

Learned counsel appearing for the C.B.I. has opposed the prayer for bail of the petitioner and submits that there is sufficient material against the petitioner. She further submits that recovery of Rs. 8.70 lacs was made from residential premises of the petitioner. She further submits that the C.B.I. has also found recorded voice calls as well as whatsapp chat which show involvement of the petitioner alongwith other accused persons in the alleged crime. She also refers paragraph nos. 16.14, 16.15, 16.24, 16.26, 16.27, 16.28, 16.29, 16.30 etc. of the chargesheet as well as supplementary charge sheet to show the involvement of the petitioner in the alleged crime.

From perusal of the report of Exclusive Special Court, CBI Court No. III, Patna, it is evident that presently the case is pending for framing of charges against all the accused persons.

Considering the facts and circumstances of the case,



period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence, similarly situated co-accused persons have already been granted bail, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail **after framing of charge** on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, C.B.I.-III, Patna in connection with R.C. Case No. 04(A)/ 2021 (Special Case No. 01/2021), subject to following conditions:-

(i) One of the bailors shall be wife of the petitioner.

(ii) Petitioner shall remain present before the trial court on each and every date without fail, failing which the trial court shall cancel the bail bond of the petitioner.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case.



(v) If the petitioner possesses the Indian Passport, he will surrender the same at the time of furnishing bail bond.

(vi) However, if petitioner violates any of the conditions as enumerated above, the trial court is at liberty to cancel the bail bond of the petitioner.

(Alok Kumar Pandey, J)

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