

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.992 of 2020**

Arising Out of PS. Case No.-11 Year-2017 Thana- C.B.I CASE District- Patna

SAKET KUMAR @ SAKESH KUMAR @ SHAKESH KUMAR Son of  
Late Kameshwar Singh Resident of Village- Jagdishpur, P.S.- jandaha,  
District- Vaishali at Present C/O Mahendra Prasad Sinha Chitragupt Marg,  
New jakkanpur, P.S.- Jakkanpur, District- patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR THROUGH C. B. I. PATNA Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Sunil Kumar, Advocate  
For the C.B.I. : Mr. Bipin Kumar Sinha, Standing Counsel

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

11    07-02-2022                      Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in connection with Case no. RC 11A/2017 registered for offence under sections 120B, 420, 468 and 471 of the Indian Penal Code.

As per the prosecution case, Kalyanpur P.S. Case no. 189 of 2013 (NDPS Case no. 141 of 2013) was registered under section 414 of the Indian Penal Code read with sections 20, 22 and 23 of the NDPS Act as the accused persons therein were caught transporting 140 kgs of ganja. Two bail applications filed by the accused Kameshwar Kumar were rejected. Thereafter, a fresh attempt for obtaining bail was made while



resorting to forgery and manipulation of FIR, the seizure list, the case was mentioned as Kalyanpur P.S. Case no. 179 of 2013 instead of the correct Kalyanpur P.S. Case no. 189 of 2013 and the fact that the earlier application for bail had been moved was suppressed in paragraph no. 2 of the petition. Even the quantity of ganja being transported was interpolated and mentioned as 14 kg instead of the correct 140 kg. Pursuant to order dated 4.7.2016 passed by the High Court in Cr. Misc. no. 1879 of 2015 an inquiry was conducted and a report submitted by the learned Registrar General, Patna High Court, and thereafter the instant FIR was registered.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the case. He being an advocate clerk only prepared the file on the instructions of the advocate concerned. He is in no way connected with the alleged conspiracy or forgery committed for obtaining bail. He does the work of several advocates and only on receiving the show cause notice that he came to know about the allegations in the case. It is submitted that it was Mr. Uma Kant Tiwari, Advocate on whose instruction the petitioner prepared the file and it is wrong to say that it was on the petitioner's trust that the Advocate signed the petition. The



petitioner has been made an escape goat. He is in custody since 13.6.2019 and charge has been framed in the case.

The application for bail is opposed by learned Standing Counsel appearing for the CBI. It is submitted that in course of investigation it has transpired that the accused persons including the petitioner herein entered into a criminal conspiracy and in furtherance thereof filed bail petitions enclosing forged and fabricated copies of the FIR, interpolated impugned order, fabricated the web copy of the order of the High Court and also suppressing vital facts. The petition was filed in the name of Advocate Alok Kumar who never practiced in the Patna High Court and the petition was affidavited by one Sonelal Singh who is non-existent. During investigation, Advocate Uma Kant Tiwari stated that it was the petitioner who came to him and asked him to sign the petition immediately as the time for filing the petition was getting over. As Uma Kant Tiwari did not have a registered clerk of his own and used to take work of filing and affidavit from the petitioner, on trust he signed the petition and vakalatnama without checking. Learned counsel further submitted that the inspection slip was in the handwriting of the petitioner and that the source of all the forged documents was the petitioner.



Having heard learned counsel for the parties and taking into consideration the materials on record, the submissions made on behalf of the CBI and specially the contents of the final report, a copy of which has been provided by learned Standing Counsel for the CBI, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

In view of the submission on behalf of the petitioner that charge has been framed on 3.2.2022, liberty is granted to the petitioner to renew his prayer for bail after six months.

**(Partha Sarthy, J)**

Spd/-

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