

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7902 of 2023

Arising Out of PS. Case No.-6 Year-2015 Thana- C.B.I CASE District- Patna

=====

SRI PRAKASH SINGH SON OF LATE MAHANTA SINGH RESIDENT
OF FLAT NAO. 204, NEWTON GARDEN APARTMENT, JAGDEV PATH,
P.S.- HAWAI ADDA, DISTRICT- PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s :	Mr. Rana Vikram Singh, Adv
For the Opposite Party/s :	Mr. Dinesh Singh, APP
	Mrs. Nivedita Nirvikar, Sr. Adv
	Mr. Somesh Kumar, Adv

=====

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 08-09-2023 Heard learned counsel for the petitioner, learned Senior
Counsel for the CBI and learned APP for the State.

2. The petitioner apprehends his arrest in a case registered
for the offence punishable under Sections 120B, 420, 468 and
471 of the Indian Penal Code.

3. Allegedly, the petitioner being GR, Clerk suppressed
the order of the Hon'ble High Court, Patna in conspiracy with
co-accused persons to ensure the release of co-accused Vikash
Kumar who was in custody.

4. It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and have committed no offence. He
has been falsely implicated in this case. No such occurrence, in



the manner as alleged, has ever taken place. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. Petitioner has no criminal antecedent. The petitioner is not named in the FIR. Petitioner is posted at Civil Court, Begusarai and at the alleged time of occurrence he happened to be GR Clerk in the Court of learned CJM, Begusarai. The petitioner has nothing to do with the release of co-accused Vikash Kumar, who was released on the basis of forged bail order of Hon'ble High Court, Patna. It is alleged by the CBI that the petitioner has suppressed the order of the Hon'ble Patna High Court and placed a forged order of the Hon'ble High Court before the concerned authority due to which the co-accused Vikash Kumar was granted anticipatory bail. He submits that the petitioner has co-operated in the trial and C.B.I has not arrested the petitioner till date. There is no documentary evidence on the record to show that the petitioner has tampered evidence.

5. It is further submitted by the learned counsel for the petitioner that the petitioner has received the e-mail order in question on 27.09.2014 during Durga Puja vacation and after vacation the Court was opened on 07.10.2014. the said e-mail order was dispatched by the petitioner for the Court of Shri R.R.



Raman on 08.10.2014. A supplementary affidavit has been filed in the present case and in para-15 of the said affidavit it is stated that the learned District and Sessions Judge, Begusarai vide his letter no.3576 dated 24.06.2020 sought guidelines from the Hon'ble Court regarding grant of sanction against the petitioner. In the aforesaid letter, the learned District Judge having examined and verified each and every record of the matter has categorically stated in para 4-

“Para 4- From perusal of entire papers it appears that no motive is proved against him, as per govt. order any Departmental proceeding can be initiated. There is no evidence, oral or documentary on the report or file submitted by C.B.I. after investigation to connect any link between Sri Prakash Singh and the accused persons. There is no wrongful gain by Sri Prakash Singh G.R. Clerk. At best it may be a case of negligence in discharge of official duty, only due to heavy pressure of work during vacation, as other court's staff were permitted to avail the vacation and G.R. Clerk is duty bound to be present and work the entire connecting matters of all Courts for which Department inquiry or proceeding is sufficient. This is not proper to grant sanction to C.B.I. to initiate a criminal proceeding against Sri Prakash Singh G.R. Clerk on the basis of material available during investigation.”

6. He lastly submits that charge sheet has already been



submitted by the CBI and Hon'ble High Court has granted sanction for the prosecution of the petitioner. Learned counsel for the petitioner relied upon the judgment of Hon'ble Apex Court in the case of **Mahdoom Bava v/s. Central Bureau of Investigation 2023 SCC Online SC 299** in which it is observed that CBI did not require the custodian interrogation of the accused during the period of investigation and most importantly, the accused apprehends arrest, not at the behest of the CBI but the behest of the Trial Court.

7. Learned APP for the State as well as learned Senior Counsel for the CBI opposed the prayer for anticipatory bail. It is submitted by learned Senior Counsel for the CBI that as per procedure the bail order 24.09.2014 in question should have been placed before the learned C.J.M. Begusarai for execution but the petitioner in conspiracy with accused Vikash Kumar dishonestly suppressed the said bail order and did not place it before learned C.J.M Begusarai. She further submits that the petitioner intentionally suppressed the order of the Hon'ble High Court, Patna to favour the accused and as a result, the accused got bail after modification of the said order.

8. Having regard to the facts and circumstances of the case as well as considering the ration laid down in the judgment



of **Mahdoom Bava v/s. Central Bureau of Investigation**, let the above named petitioner, be released on bail, in the event of his/her arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Special P.S. Case No.16 of 2020, RC No.06(S) of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

shikha/-

U		T	
---	--	---	--

