

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21704 of 2023

Arising Out of PS. Case No.-3 Year-2018 Thana- C.B.I CASE District- Patna

SAKET KUMAR @ SHAKESH KUMAR @ SAKESH KUMAR SON OF
LATE KUSHESHWAR SINGH RESIDENT OF VILLAGE - JAGDISHPUR,
P.S. - JANDAHA, DISTT. - VAISHALI. AT PRESENT AT C/O
MAHENDRA PRASAD SINHA, CHITRAGUPTA MARG, NEW
JAKKANPUR, P.S. - JAKKANPUR, DISTT. - PATNA

... .. Petitioner/s

Versus

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

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. P.N. Shahi, Sr. Advocate
Mr. Shivam, Advocate
For the Opposite Party/s : Ms. Sourendra Pandey, Spl. PP for CBI

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 03-05-2023 Heard learned senior counsel for the petitioner and
learned Spl.PP for the CBI.

The petitioner has renewed his prayer for bail in
connection with Case no. RC3(A) of 2018 registered under
section 120B read with sections 209, 420, 467, 468 and 471 of
the Indian Penal Code.

As per the allegation in the FIR, on the basis of an
order dated 3.5.2017 passed in Cr. Misc. no. 39829 of 2016, an
inquiry was conducted by the learned Registrar General, Patna
High Court. In his report dated 24.8.2017, he came to the
conclusion that on the basis of forged rejection order the
application for bail was presented before the Court, which led to



registration of the FIR by the CBI.

The earlier prayer for bail of the petitioner was rejected vide order dated 17.1.2022 (Annexure-1) passed Cr. Misc. no. 16961 of 2021.

It is submitted by learned senior counsel appearing for the petitioner that the prayer for bail of the petitioner was rejected on merits by the earlier order dated 17.1.2022. It is submitted that inspite of the petitioner having remained in custody since 27.2.2019 and cooperating in the trial in the learned trial Court, there is no chance of the trial concluding in the near future. The petitioner undertakes to cooperate in the trial and to abide by the conditions which may be laid by this Court for his release on bail.

The application for bail is opposed by learned Spl.PP appearing on behalf of the C.B.I. It is submitted that it is true that the application for bail of the petitioner was rejected on merits by order dated 17.1.2022. While rejecting the same, this Court had taken note of the fact that on comparison of the signature of the petitioner, the sample writing of the petitioner was sent for expert opinion to FSL New Delhi wherein the handwriting of the petitioner was corroborated.

A report was called for from the learned trial Court.



As per the report received contained in letter no. 16/2023 dated 13.4.2023 of the Sub Judge-cum-ACJM-cum Exclusive Magistrate-CBI, Civil Court Patna, charges were framed on 24.5.2022 and till 13.4.2023 out of a total 25 witnesses only 4 witnesses have been examined.

Having heard learned counsel for the parties and taking into consideration the nature of allegation, the petitioner having remained in custody for more than 3 year 10 months since 27.6.2019, investigation in the case having concluded, the evidence being mainly documentary in nature and already in possession of the prosecution and as is evident from the report of the learned trial Court, there being no chance of the trial concluding in the near future as only 4 witnesses have been examined out of 25 prosecution witnesses, the Court directs the petitioner to be enlarged on bail in connection with Case no. R.C 03(A) of 2018 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Judge-cum-ACJM-cum-Exclusive Magistrate-CBI, Civil Court Patna, Patna subject to the following conditions :

(ii) One of the bailors of the petitioner shall be his close relative.



(iii) The petitioner shall remain physically present in Court on each date of the trial and shall cooperate in the trial.

In case the learned trial Court is of the opinion that the trial is being delayed due to non-cooperation on part of the petitioner, the learned Trial Court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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