

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34404 of 2023

Arising Out of PS. Case No.-3 Year-2013 Thana- C.B.I CASE District- Muzaffarpur

Indra Vijay Kumar Son of Radheshyam Singh R/V and P.O.- Bangaon, P.S.-
Bajpatti, District - Sitamarhi

... .. Petitioner/s

Versus

The Union of India through C.B.I.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Devendra Kumar, Adv.

For the Opposite Party/s : Mr. Avnish Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 24-07-2023 Heard Mr. Devendra Kumar, learned counsel
appearing on behalf of the petitioner and Mr. Avnish Kumar
Singh, learned counsel representing the Central Bureau of
Investigation (CBI).

2. The petitioner apprehends his arrest in connection
with C.B.I./A.C.B. R/C 02320 13(A) 003 giving rise to Trial
No. 20 of 2017, registered for the offences punishable under
Sections 120(B) read with sections 420, 467, 477(A), 468 and
471 of the Indian Penal Code and Section 13 (2) read with
section 13(1)(d) of the Prevention of Corruption Act.

3. Allegedly the petitioner procured his appointment
as *Gramin Dak Sewak* in the Post Office on the basis of forged
educational certificate issued by the Bihar Sanskrit Shiksha
Board.



4. Submission has been made on behalf of the petitioner that the petitioner himself became the victim of circumstances as the certificate issued by the Bihar Sanskrit Shiksha Board has later on found to be forged and fabricated, though the petitioner has no role in issuance of the certificate. Further submission has been made that the services of the petitioner has already been dispensed with by the authorities of the Postal Department and thus he has already been appropriately punished. This apart, identically situated person, who has also been made an accused in similar manner has been allowed the privilege of anticipatory bail by the learned coordinate Bench of this Court in Cr. Misc. No. 36594 of 2017 *vide* order dated 12.02.2018. He lastly submits that the petitioner has fair antecedent and he undertakes that he will fully cooperate in the investigation.

5. On the other hand, learned counsel for the CBI opposed the bail application and submits that there is ample material which has collected against the petitioner during the course of investigation and, as such, his complicity cannot be denied. However, he fairly submits that the other co-accused person having identical allegation has been allowed the privilege of anticipatory bail by the coordinate Bench of this



Court.

6. Having considered the submissions made on behalf of the parties and considering the fact that the services of the petitioner has already been dispensed with and the other co-accused person having identical allegation has been allowed the privilege of anticipatory bail, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, C.B.I., Muzaffarpur in connection with C.B.I. R/C 03(A) of 2013 giving rise to Trial No. 20 of 2017, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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