

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35734 of 2023

Arising Out of PS. Case No.-2 Year-2020 Thana- C.B.I CASE District- Patna

VIJAY KUMAR S/O LATE RAM NANDAN PRASAD R/O Village and P.O-
Bardih, P.S.-Islampur, Dist.-Nalanda, at Present Mohalla-Adarsh Bihar
Colony, Road No.1, Ramkrishna Nagar, New Bypass, P.S.-Ramkrishna Nagar,
Dist.-Patna

... .. Petitioner

Versus

1. The State Of Bihar
2. The Central Bureau Of Investigation Bihar, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kaushal Kishor

For the Opposite Party/s : Mr. Nand Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 28-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 120(B) and 420 of the Indian Penal Code, Section 7 of the P.C. Act, later on charge-sheet has been submitted under Section 120(B), 403 and 420 I.P.C. which is pending in the learned court below.

3. As per the prosecution case, unknown public servant of Railway conspired with complainant's advocate and other unknown persons have cheated the Railways. In pursuance of the criminal conspiracy, in accidental death claim cases, only a part of decree amount actually paid to the claimants and it was



received by the claimant partially, and some part of the decreed amount have been shifted to conspirators. Partial payment was made to the claimants and major chunk was siphoned off by the conspirator.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He further submits that there is general and omnibus allegation against the petitioner. He submits that there is no specific overt act against the petitioner. He further submits that similarly situated other co-accused person has already been granted bail by a bench of this Court. He submits that on the basis of the some witnesses the petitioner has been made accused in the present case. He further submits that petitioner has got one criminal antecedent as stated in para-3 of the bail application.

5. Per contra, learned APP for the State vehemently opposing the bail application and submits that the one of the co-accused in Cr. Misc. No. 40918/2021 has withdrawn anticipatory bail application in this Court. Hence, he does not deserve anticipatory bail.

6. Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail in



connection with Special Case No. 10 of 202, RC 2(A) of 2020.
Accordingly, his prayer for anticipatory bail is hereby rejected.

(Anjani Kumar Sharan, J)

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