

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.35764 of 2022

Arising Out of PS. Case No.-2 Year-2016 Thana- C.B.I CASE District- Patna

Chandradeo Prasad Son Of Late Munsi Prasad R/O- New Etwarpur, P.S.-
Parsa Bazar, District- Patna

... .. Petitioner/s

Versus

The Union Of India Through C.B.I. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sinha,Adv.

For the C.B.I. : Mr.Avanish Kumar Singh,SPP

Mr.Ambar Narayan,Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

8 30-01-2023 Heard the learned counsel for the
petitioner and the learned counsel for the CBI.

The petitioner seeks regular bail in connection with R.C. Case No.2/S/2016, registered for the offences punishable under Sections 34, 120B, 420, 467, 458, 471 and 193 of the Indian Penal Code and Section 13(2) r/w 13(i)(d) of the PC Act, 1988.

The case of the prosecution, as per the F.I.R., is that the accused persons entered into a criminal conspiracy, whereupon they used to file bail petitions, and subsequently, manipulate the F.I.R. by inserting fabricated pages of the F.I.R.



and thereafter, when the hearing of the case by the Hon'ble Patna High Court was over and bail was granted to the respective accused persons, the forged and fabricated F.I.R. used to be again replaced by original one, thus, in the process, the quantity of the narcotic substance, seized by the police, as mentioned in the FIR of the respective criminal cases, lodged under the provisions of the NDPS Act, 1985, used to be manipulated to ensure that bail is granted by the Hon'ble Patna High Court. It is further alleged that the criminal antecedent of the petitioners of the bail petitions, filed before the High Court, were also manipulated in order to derive benefits in favour of the said applicants.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case. It is further submitted by the learned counsel for the petitioner that though the petitioner was arrested earlier in connection with one another case, but he has been remanded in the present



case on 09.12.2021. The learned counsel for the petitioner has further submitted that the petitioner is an accused in two other cases, in which the allegations levelled against him are more or less same and similar, as have been levelled in the present case. It is further submitted that the main accused, i.e. Arun Kumar Tiwari has been granted bail by a co-ordinate Bench of this Court vide order dated 29.08.2022, passed in Criminal Miscellaneous No.42419 of 2021. It is also submitted that the petitioner has also been granted bail in one another similar type of case by a co-ordinate Bench of this Court vide order dated 15.11.2022, passed in Criminal Miscellaneous No.24243 of 2022.

Per contra, the learned counsel for the C.B.I. has vehemently opposed the prayer for bail and has submitted that the accused persons including the petitioner herein are involved in criminal conspiracy and are alleged to have fabricated and forged the court records, hence, a strict view is required to be taken, thus, the



petitioner is not entitled for bail, nonetheless, it is submitted that the materials available in the case diary do not directly implicate the petitioner, however, the same shows a modus operandi adopted by the accused persons to favorably secure bail for their clients in which not only the advocate clerks but also court clerks and peons as also advocates are involved.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record, this Court finds that there is no direct evidence to connect the petitioner with the alleged crime and moreover, chargesheet has already been filed and investigation is complete, as such no custodial interrogation is required, as far as the petitioner is concerned, hence, no useful purpose would be served by detaining the petitioner in custody any longer, thus, I deem it fit and proper to direct for release of the petitioner on regular bail.



Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, C.B.I., Patna in connection with R.C. Case No.2/S/2016, however, subject to the following conditions:-

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that Investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the



case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

(Mohit Kumar Shah, J)

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