

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43982 of 2023

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

MADHESHWAR PRASAD SINGH SON OF LATE JALIM SINGH
VILLAGE YARPUR RAJPUTANA, PS- GARDANIBAG, DISTRICT-
PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR THROUGH C.B.I., PATNA BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sinha
For the Opposite Party/s : Mrs.Nivedita Nirvikar

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

- 3 03-08-2023 1. Learned counsel for the petitioner is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.
2. Heard learned counsel for the petitioner and learned A.P.P. for the State.
3. The petitioner has preferred this application for grant of regular bail in connection with Spl. Case No. 6 of 2019 arising out of R.C. Case No. 2(s) of 2016 dated 14.6.2016 registered for the offence punishable u/s 120B, 420, 467, 471, 193 read with section 34 of the Indian Penal Code and 13(2), 13(1)(6) of the P.C. Act.



4. As per the prosecution case, 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.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. There is general and omnibus allegation against the petitioner. Nothing incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel has further submitted that the petitioner is an Advocate Clerk and he used to identify the deponent at the request of the



advocates in routine manner without any knowledge of the fraud being committed in any case. The co-accused person has already been granted bail by the Coordinate Bench of this Court vide order dated 6.12.2022 passed in Cr. Misc. No. 71115 of 2021. The petitioner is accused in 6 other criminal cases as stated in para 3 of the bail petition. The petitioner is in custody since 10.4.2023.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

7. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court of Spl. Judge, C.B.I.-II, Patna in connection with Spl. Case No. 6 of 2019 arising out of R.C. Case No. 2(S) of 2016 with the condition:-

(i) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.



8. The application stands allowed.

(Chandra Prakash Singh, J)

Ajay Singh/-

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