

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69945 of 2022

Arising Out of PS. Case No.-1 Year-2015 Thana- C.B.I CASE District- Patna

Chandra Bhushan Prasad @ Chandra Bhushan Son Of Late Bhagwan Singh
R/V- Raipura Kewlatal, P.S- Fatuha, Dist- Patna.

... .. Petitioner/S

Versus

Central Bureau of Investigation (SCB), Patna Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Advocate Mr. Sanjiv Sharan, Advocate
For the Opposite Party/s	:	Mr. Avanish Kumar Singh, S.P.P., C.B.I. Mr. Ambar Narayan, Advocate Ms. Barkha, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

11 14-07-2023 Heard learned Senior counsel appearing on behalf of

the petitioner and learned Spl. PP appearing on behalf of the

C.B.I.

2. Let the defect(s), if any, be removed within a period
of four weeks from today.

3. The petitioner seeks bail in connection with R.C.
Case No. 01(S)2015 registered for the offence under Sections
120(B), 420 and 468 of the Indian Penal Code.

4. The accused/petitioner is named in the F.I.R. and is
in custody since 15.07.2022.

5. The allegation against the petitioner is to make an
attempt to obtain bail from this High Court in Fatuha P.S. Case



No. 37 of 2013 registered under Sections 304B/34 of the Indian Penal Code by way of filing Cr. Misc. No. 38932 of 2014, where petitioner shows himself as brother-in-law of deceased instead of husband. The matter was investigated by C.B.I. as per the direction of this Hon'ble Court, where in furtherance of said direction, a C.B.I. Case bearing registration No. RC Case No. 01(s)2015 was registered under Sections 120(B), 420 and 468 of the Indian Penal Code, where petitioner is seeking bail.

6. Learned Senior counsel Sri Ramakant Sharma, while appearing on behalf of the petitioner submitted that at the same point of time, two bail petitions were filed, one was Cr. Misc. No. 38932 of 2014 and another was Cr. Misc. No. 38932 of 2014 in Fatuha P.S. Case No. 37 of 2013 registered under Section 304B/34 of the Indian Penal Code, with a gap of few months. It is submitted that the status of petitioner as husband was shown correctly through Cr. Misc. No. 3984 of 2015, whereas to implicate petitioner falsely, his in-laws, in connivance with police, in very planned and formulated manner filed a bail petition bearing Cr. Misc. 38932 of 2014, showing status of petitioner as brother-in-law of deceased. It is submitted that a report was called for from the jail regarding seal and signature as encrypted over Vakalatnama annexed with



Cr. Misc. No. 38932 of 2014, which was denied by Beur Jail Authority, which clearly indicates that alleged forgery happened outside jail, where petitioner was not a party. It is submitted that if the intention of petitioner was to obtain bail by presenting false fact before this Court then there was no occasion to file 2nd case, showing his genuine status as husband, before discovery of allegation in terms of Cr. Misc. No. 38932 of 2014 by this Court. It is submitted that the maximum allegation against this petitioner is of one of the conspirator, where nothing substantial surfaced/recovered during the course of investigation as to established allegation *prima facie* and same is based upon presumptions as petitioner is appearing beneficiary. It is further submitted that petitioner is an Inspector of C.R.P.F. and he found involved in one more criminal case i.e. Fatuha P.S. Case No. 37 of 2013, where he is on bail. While concluding the argument, it is submitted that investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned Spl. PP Mr. Avanish Kumar Singh, appearing on behalf of C.B.I., while opposing the prayer of bail submitted that the petitioner was sole beneficiary of entire forgery, whereas learned counsel conceded that at the time of



occurrence, the petitioner was in judicial custody. The learned counsel appearing on behalf of CBI also conceded that the seal and signature of jailor on Vakalatnama agitating Cr. Misc. No. 38932 of 2014 was found forged on enquiry. It is submitted that the thrust of allegation as surfaced during the course of investigation is against co-accused, namely, Madheshwar Prasad Singh, Advocate Clerk, who appears instrumental to preparation of all forged documents and he is in judicial custody in connection with present case.

8. Considering the facts and circumstances as mentioned above and by taking note of fact as save and except suspicion as one of the beneficiary, nothing substantial appears during investigation to connect petitioner *prima facie* with present occurrence as one of the conspirator, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 15.07.2022, accordingly, petitioner above named, is directed to be released on bail in connection with R.C. Case No. 01(S)2015 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Magistrate, C.B.I., Patna/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C., with further conditions:-



(I) That petitioner shall not interact with informant during the trial in any manner or to influence any witness, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That one of the bailors shall be deponent of the present bail petition.

(Chandra Shekhar Jha, J)

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