

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73338 of 2022

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

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MUKESH KUMAR Son of Birendra Jha R/v- Belahiya, P.O.- Batra, Via-
Rajpur, P.S.- Nanpur, District- Sitamarhi

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. The Union of India through CBI, Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr.Ram Pravesh Nath Tiwari,Adv.
For the State	:	Mr.Pawan Kumar Chaurasia
For the C.B.I.	:	Mr.Avanish Kumar Singh, Sp.P.P.,CBI
		Mr.Ambar Narayan, Adv.
		Mrs.Barkha,Adv.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 12-05-2023 Heard learned counsel for the parties.

The petitioner is apprehending his arrest in connection with Tr. No. 20 of 2017, arising out of C.B.I. R/C 03(A) of 2013, for the offences instituted under Section 120B r/w Sections 420, 467, 468, 477A, 471 of the Indian Penal Code and Section 13(2) r/w Section 13(1)(d) of the Prevention of Corruption Act.

The prosecution story, in brief, is that on the basis of reliable information to the effect that Gramin Dak Sewak (GDS) had been appointed in the Post Offices under the jurisdiction of Superintendent of Post, Sitamarhi on the basis of fake education testimonial issued by Bihar Sanskrit Shiksha Board in utter



disregards to the laid down rules of the Postal Department during the period 2008-2012, initially, in the names of 17 candidates, the First Information Report was lodged on the basis of preliminary enquiry, which revealed that these certificates have actually not been issued by the said Board and, thus, the certificates are fake and forged and on the basis of fake and forged certificate, the accused persons in connivance with the postal authority got appointed as Gramin Dak Sewak (GDS).

It has been submitted on behalf of the petitioner that petitioner has been appointed after due verification of the record by the competent authority and without giving any notice, the same has been declared forged and fabricated. It is further submitted that during enquiry, petitioner has already been exonerated by the department. In support of the same, petitioner has annexed Annexure – 5, which is copy of inquiry report. Moreover, in this case, chargesheet has already been submitted and there is no allegation of tampering with the evidence against this petitioner. Petitioner claims clean antecedent.

On behalf of the Central Bureau of Investigation, it has been submitted that the petitioner at the time of appointment on the post of Gramin Dak Sewak produced forged and



fabricated certificate of Bihar Sanskrit Siksha Board, Patna, which was not issued by the said Board. Chargesheet has already been submitted against this petitioner under the aforesaid offences.

Considering the fact that petitioner has already been exonerated during inquiry, chargesheet has been submitted and there is no allegation of tampering with the evidence, the prayer for anticipatory bail of petitioner is allowed. Let the petitioner above-named, in the event of his arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond 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 Tr. No. 20 of 2017 arising out of C.B.I. R/C 03(A)/2013, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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