

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12281 of 2024

Arising Out of PS. Case No.-1 Year-2008 Thana- C.B.I CASE District- Patna

SHYAM BALLABH SHARMA SON OF BALI RAM SHARMA RESIDENT
OF VILLAGE - BHARATHU, P.S. - GHOSHI, DISTRICT - JEHANABAD

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. CENTRAL BUREAU OF INVESTIGATION, PATNA, BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Raja Ram Mishra, Adv.
For the State	:	Mr.Anuj Kumar Shrivastava, APP
For the CBI	:	Mrs.Nivedita Nirvikar, Sr. Adv.
		Mr.Arya Achint, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 09-08-2024 1. Heard the learned counsel for the petitioner and the
learned counsel for the opposite parties.

2. This is an application for grant of anticipatory bail
in connection with R.C Case No.01(S) of 2008, Special Case
No.18 of 1998 (arising out of Patna Junction Rail P.S. Case
No.29 of 1998), registered for offences punishable under
Sections 409, 420, 468, 471 of Indian Penal Code and Section
13(2) read with Section 13(1)(d) of the Prevention of Corruption
Act, 1988.

3. The allegation is regarding the petitioner herein and
other accused persons having conspired and fraudulently
prepared National Savings Certificates in their names/ in the



name of their Firm and as far as the petitioner is concerned, he is alleged to have fraudulently prepared NSCs worth Rs.8.7 lacs, for the purposes of award of contract, by misusing stolen N.S.C. certificates.

4. The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that although the police has submitted the final form in the original case, bearing Patna Junction Rail P.S. Case No.29 of 1998 and the petitioner was not sent up for trial, however, later on the entire case was transferred to the Central Bureau of Investigation in view of order dated 19.08.2008, passed by the Hon'ble High Court in C.W.J.C. No.660 of 2006 and i.e. how the present case i.e. R.C Case No.01(S) of 2008, Special Case No.18 of 1998 has come into being. It is also submitted by the learned counsel for the petitioner that there is no material on record to suggest the complicity of the petitioner in the alleged occurrence and no stolen N.S.C.s have been recovered from the petitioner, which would depict that he had fraudulently prepared N.S.C.s, in his name to the tune of a sum of Rs.8.7 lacs. It is next submitted that almost all the co-accused persons have been



granted the privilege of anticipatory/regular bail, one of such order being the one passed by this Court on 09.01.2020 in Cr. Misc. No.84511 of 2019, thus, it is submitted that the petitioner be granted the privilege of anticipatory bail.

5. Per contra, the learned senior counsel, appearing for the C.B.I. has submitted that the C.B.I. has conducted investigation and it has been found that blank leaves of N.S.C.s were stolen from a consignment being carried in a rail wagon, whereafter the bogus N.S.C.s were supplied at G.P.O., Patna for seeking some tenders and thereafter, it was found that the same are the ones which were stolen from the rail wagons. As far as the petitioner is concerned, it has been stated that he was in possession of 87 bogus N.S.C.s, worth a sum of Rs.8.70 lacs and had used the same in connection with award of tenders. It is also submitted by referring to the case diary that the petitioner, in his confessional statement has though admitted that the said N.S.C.s were in his possession, however, it has been stated by him that the same were purchased from a postal agent. Nonetheless, apart from the said fact, there appears to be no other piece of evidence to connect the petitioner with the alleged occurrence. Hence, it is submitted that in case this Court is inclined to grant anticipatory bail to the petitioner, he be put to



strict terms so that he co-operates in the trial.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record, this Court finds that prima facie there is minuscule evidence in the case diary produced by the C.B.I., so as to connect the petitioner with the alleged occurrence and no where it has been prima facie found that the petitioner had stolen the N.S.C.s and got the same fraudulently registered in his name, apart from the fact that he is having a clean antecedent and is ready to join investigation, as also willing to appear before the learned Trial Court on the dates so fixed, hence, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

7. Accordingly, the above named petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the Ld. Trial Court, within a period of six weeks from today, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, CBI-II, Patna, in connection with R.C Case No.01(S) of 2008, Special Case No.18 of 1998 (arising out of Patna Junction Rail P.S. Case



No.29 of 1998), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

8. It is further directed that the petitioner shall join investigation, in case the Investigating Officer of the Central Bureau of Investigation so warrants and would also appear on each and every date so fixed by the learned Trial Court in the connected case, failing which, the present privilege of anticipatory bail being granted to the petitioner shall stand cancelled automatically and the petitioner shall be taken into custody, forthwith.

(Mohit Kumar Shah, J)

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