

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39974 of 2024

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

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Nagina Rai @Nagina Ray @ Nagina Yadav SON OF LATE CHULHAI RAI
VILLAGE- SURABHI VIHAR, NEAR SAHARA SANDHYA HOSPITAL
OPPOSITE JAKKANPUR BUS STAND, PS- BEUR, DIST- PATNA

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. The Union of India through Director Central Bureau of Investigation (CBI),
Bihar Patna Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Kumar Mritunjay, Adv. Mr. Pankaj Kumar Sinha, Adv.
For the Opposite Party/s :		Mr. Sanjay Kumar Tiwary, APP
For CBI	:	Mrs. Nivedita Nirvikar, Sr. Adv. Mr. Arya Achint, Adv.

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

ORAL ORDER

5 05-09-2024 Heard learned counsel for the petitioner and learned
counsel for CBI as well as learned A.P.P for the State.

2. The petitioner has preferred this application for
grant of regular bail in connection with Special Case No. 06 of
2019 (R.C. No. 02(S) of 2016) dated 14.06.2016 registered for
the offences punishable u/ss 120B, 420, 467, 468, 471 of the
Indian Penal Code.

3. As per the prosecution case, the informant lodged
the case in compliance with the order dated 08.06.2016 passed
in Cr. Misc. o. 18211 of 2016 with the allegation that the said



bail application was moved before the Patna High Court on the basis of forged and fabricated copy of FIR bearing Beur P.S. Case No. 155 of 2013 against five named accused persons including the petitioner and some unknown persons secured regular bail in the case on the basis of forged and fabricated FIR. Even the order was interpolated and fabricated web copy of the order was used. It is further alleged that the vital facts were suppressed in the petition and out of seven accused persons, five accused, namely, Nagina Rai (petitioner), Ganesh Kumar, Ajay Yadav, Guriya Devi, Munchun Kumar Rai, filed bail petition vide different criminal miscellaneous numbers in Patna High Court. The Bail prayer of the petitioner filed by Munchun Kumar Rai, Nagina Rai (petitioner) and Ganesh Kumar was rejected by the different Benches of the Patna High Court. It is further alleged that after rejection of the bail application, Nagina Rai (petitioner) filed second bail application in Cr. Misc. No. 4198 of 2016 in Patna High Court suppressing the filing of earlier bail application and its rejection. Thereafter, he was granted bail on 25.06.2016. Initially the case diary was called for and on receipt of case diary on 06.06.2016, the State counsel pointed out the fabrication.

4. Learned counsel for the petitioner has submitted



that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that during the period of filing, the petitioner was in jail and in order to seek bail, he gave his Vakalatnama to one advocate clerk, namely, Chanradeo Prasad. There is no allegation of committing any mischief or forgery of FIR against the petitioner. The petitioner has one criminal antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 14.04.2023.

5. Learned counsel for CBI as well as learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner and submitted that the petitioner was the hand of the kingpin Sri Arun Kumar Tiwari and he was in regular telephonic contact and they were in contact with each other for 932 times during the period of July 2015 to June 2016. The petitioner used to work in the bail fraud case as per the instruction of the kingpin Sri Arun Kumar Tiwari and the petitioner has been working as an Advocate Clerk in the Hon'ble High Court, Patna since long and he has vast experience in this field.

6. 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 concerned, Patna in connection with Special Case No. 06 of 2019 (R.C. No. 02(S) of 2016), with the following condition/s:-

(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 bond of the petitioner is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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