

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63745 of 2023

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

Rakesh Kumar Singh S/O Late Bharat Prasad Singh @ Bharat Singh, R/O
Village and P.O. - Sabalpur, P.S. - Panjwara, Distt. - Banka.

... .. Petitioner/s

Versus

The Union of India through C.B.I. Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Devendra Kumar, Advocate
For the CBI	:	Mrs. Nivedita Nirvikar, Sr. Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 3 27-02-2024 Heard Mr. Devendra Kumar, the learned counsel
for the petitioner and Mrs. Nivedita Nirvikar, the learned senior
counsel appearing on behalf of the Central Bureau of
Investigation.
2. The petitioner is apprehending his arrest in
connection with CBI/ACB R/C 02320 13(A) 003, Tr. No. 20 of
2017, registered for the offences punishable under Sections
120(B) read with Sections 420, 467, 468, 477A and 471 of the
Indian Penal Code and under Section 13(2) read with Section
13(i)(d) of the P.C. Act.
3. According to prosecution case, the petitioner in
connivance with the postal authorities got appointment in the
Department of Post as Gramin Dak Sewak (DGS) on the basis
of fake and forged certificates.



4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation against the petitioner is that he has submitted the false certificate of the Madhyama examination issued by the Bihar Sanskrit Shiksha Board and it has been found that actually the said certificate was not issued by the Bihar Sanskrit Shiksha Board in the name of the petitioner. Hence, the petitioner has obtained the job in the Postal Department on the basis of the false certificate. He further submits that petitioner has submitted the certificate which he has received from the Competent Authority/Board and after lodging of the present FIR, petitioner has been disengaged from the service w.e.f., 31.12.2021 itself, and the other similarly situated co-accused persons have been granted anticipatory bail by different Benches of this Court vide orders dated 24.07.2023, 27.07.2023 and 12.05.2023, passed in Cr. Misc. No. 34404 of 2023, Cr. Misc. No. 34861 of 2023 and Cr. Misc. No. 73338 of 2022 respectively.

5. Learned counsel for the CBI on the other hand has opposed the prayer for bail of the petitioner and submits that it has come during investigation that petitioner had submitted false certificate for obtaining a job in the Postal Department.



6. Considering the aforesaid facts and circumstances and the fact that the petitioner has clean antecedent and similarly situated co-accused persons have been granted bail by different Benches of this Court, let the petitioner, above-named, in the event of his arrest or surrender before the Court below, within a period of four weeks from the date of receipt of the order, be released on anticipatory 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, CBI, Muzaffarpur, where the case is pending in connection with **CBI/ACB R/C 02320 13(A) 003, Tr. No. 20 of 2017**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(ii). If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.



(iii). And further condition that the Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the Court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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