

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13435 of 2025

Arising Out of PS. Case No.-4 Year-2013 Thana- C.B.I CASE District- Muzaffarpur

Lalbabu Prasad @ Lal Babu Prasad S/o Mangani Sahu R/o Village- Patsa,
P.S.- Kundal, District- Samastipur

... .. Petitioner/s

Versus

The Union of India through Central Bureau of Investigation, Patna Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Nishant Choudhary, Adv Mr.Kanchan Jha
For the Opposite Party/s :	Mr. Avanish Kumar Singh, S.P.P, C.B.I Mr. Mukul Kr. Singh, Adv Mr. Tarush, Adv

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 12-05-2025 1. Heard learned counsel for the petitioner, Shri Nishant Chaudhary and learned counsel appearing on behalf of the CBI, Shri Avanish Kumar Singh.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 120B, 420, 467, 468, 471, 477A of the Indian Penal Code and Section 13(2) read with 13(1)(d) of the Prevention of Corruption Act.

3. The learned counsel for the petitioner submits that petitioner had earlier moved this Court seeking anticipatory bail by filing Cr. Misc No. 67185 of 2019 and the same was rejected by an order dated 4-11-2019 passed by the then learned Coordinate Bench.



4. The learned counsel for the petitioner next submits that petitioner is a person with clean antecedent and the informant alleges that in between 2008-12, 13 candidates were appointed as Gramin Dak Sewak (GDS) based on forged certificate allegedly issued by the Bihar Sanskrit Siksha Board.

5. Learned counsel for the petitioner further submits that when the anticipatory bail of the petitioner was rejected by an order dated 4-11-2019 in Cr. Misc No. 67185 of 2019, at that time charge-sheet was not submitted. It is also submitted that even after rejection of the anticipatory bail of the petitioner by this Court, the CBI never felt the need of arresting the petitioner. It is thus submitted that since charge-sheet has been submitted and the CBI never felt the need of arresting the petitioner, whether it would be prudent for this Court to send the petitioner to jail.

6. Learned counsel for the petitioner next submits that before instituting the FIR, no opportunity of hearing was given to the petitioner. It is further submitted that had an opportunity been given to the petitioner to explain his side of the case, perhaps the FIR would not have been instituted. It is next submitted that CBI, after threadbare investigation, submitted charge-sheet under Sections 420 and 471 of the IPC, but then



never felt the need of arresting the petitioner. It is also submitted that several similarly situated co-accused have been granted the privilege of anticipatory bail and for the said proposition relies on an order of this court passed by a learned Coordinate Bench in Cr. Misc No. 56088 of 2018, (Upendra Narayan Jha @ Upendra Narain Jha vs. the Union of India through CBI) wherein by an order dated 21-1-2019 (Annexure-6 series), the privilege of anticipatory bail was granted to the co-accused.

7. The learned counsel appearing on behalf of the CBI opposes the anticipatory bail application but then is not in a position to rebut the submission of the learned counsel appearing on behalf the petitioner that CBI during the course of investigation never felt the need of arresting the petitioner.

8. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with RC Case No. 04(A)/2013 dated 12-3-2013, corresponding to Tr. No. 27 of



2018, subject to the conditions as laid down under Section 482
(2) of the BNSS.

(Satyavrat Verma, J)

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