

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.84581 of 2024

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

SURENDRA SINGH Son of Ram Sakal Singh Resident of Krishna Garh, P.S-
Bhojpur, Distt.- Bhojpur

... .. Petitioner/s

Versus

THE CENTRAL BUREAU OF INVESTIGATION(CBI) Dr. S.K. Singh Path,
Jawaharlal Nehru Road , Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lal Babu Singh, Advocate

For the Opposite Party/s : Mrs.Nivedita Nirvikar, Sr. Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

3 17-01-2025 The learned counsel for the respondent-Central

Bureau of Investigation seeks to file a counter affidavit, copy
whereof has already been filed online. Let the same be kept on
record.

2. Heard the learned counsel for the petitioner and the

learned Sr. counsel appearing for the Central Bureau of
Investigation.

3. This is an application for grant of anticipatory bail

in connection with Special Case No. 04 of 2017, arising out of
R.C. No. 01(S) of 2008, instituted under Sections 120B, 411,
420, 467 and 468 of the Indian Penal Code and Sections 13(2)
read with Section 13(1)(d) of the Prevention of Corruption Act,
1988, which in fact is connected with Patna Junction Rail P.S.
Case No. 29 of 1998, registered for the offences punishable
under Sections 409, 420, 468 and 471 of the Indian Penal Code
and Sections 13(2) read with Section 13(1)(d) of the Prevention



of Corruption Act, 1988.

4. The allegation is regarding the petitioner herein and other co-accused persons having conspired and fraudulently prepared National Savings Certificates in their names/in the name of their firm, for the purposes of award of contract, by misusing stolen N.S.Cs.

5. The learned counsel for the petitioner has submitted that the fact is that originally when N.S.C. leaves were stolen and allegations were levelled against various accused persons of misusing the same to their benefits, an F.I.R. bearing Patna Junction Rail P.S. Case No. 29 of 1998, was registered for the offences punishable under Sections 468, 409, 120(B), 379 of Indian Penal Code. It is further submitted that in the said F.I.R., it was alleged that National Savings Certificate and Kisan Vikas Patra were looted from the railway wagon at Patna Junction and the petitioner, along with others, had misused the stolen National Savings Certificate leaves for the purposes of depositing National Savings Certificate as security while availing contract from the Bihar Government Department. It is also submitted that the petitioner was granted anticipatory bail in the aforesaid case by an order dated 20.03.2007, passed by the learned Court of Sessions Judge, Patna in Anticipatory



Bail Petition No. 3991/2006. It is thus submitted by the learned counsel for the petitioner that the petitioner has all along been on bail, he has never misused the privilege of bail and the present C.B.I. case, in connection with which, he has approached this Court for grant of anticipatory bail, is an extension of the earlier Patna Junction Rail P.S. Case No. 29 of 1998, apart from the fact that the allegations levelled in both the cases are same and similar, hence it is submitted that there is no impediment in granting anticipatory bail to the petitioner herein.

6. *Per contra*, the learned Sr. counsel for the C.B.I. has opposed the prayer for bail and has submitted that some other co-accused persons have been granted regular bail, hence the petitioner should also surrender before the learned Trial court and seek regular bail. The learned Sr. counsel for the C.B.I. has further submitted, by referring to the counter affidavit filed in the present case, that supplementary charge sheet has been filed against the petitioner and others finding the case to be true qua them on 25.05.2015 and investigation has clearly established that the petitioner along with other co-accused persons had conspired together and dishonestly possessed and used 43 N.S.Cs. worth Rs. 4,30,000/-, fraudulently prepared by using stolen N.S.Cs. leaves, as earnest money/securities in



connection with the award of tenders in question.

7. Having regard to the facts and circumstances of the case, particularly the fact that for the same and similar allegations, the petitioner has been granted bail earlier in connection with Patna Junction Rail PS Case No. 29 of 1998 and there is no complain of misuse of privilege of bail by him, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail, in the present case as well, more so since some of the similarly situated co-accused persons have already been granted the privilege of anticipatory bail.

8. Accordingly, the abovenamed petitioner, in the event of his arrest or surrender before the court below within a today period of six weeks from today, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, CBI-II, Patna in connection with Special Case No. 04 of 2017 arising out of R.C. No. 01(S) of 2008, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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