IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.17623 of 2018

Arising Out of PS.Case No. -631 Year- 2017 Thana -DANAPUR District- PATNA

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1. Omkar Nath, S/o Kishore Kumar Singh, Resident of Village- Bhakura P.S.- Muffasil, District- Bhojpur At present H.No.- 255 Tirumala Ramjaipal Nagar, Gola Road, P.S.- Rupaspur, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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WITH

Criminal Miscellaneous No.24843 of 2018

Arising Out of PS.Case No. -631 Year- 2017 Thana -DANAPUR District- PATNA

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1. Raj Singh Son of Akshay Lal Singh, Resident of Village-Sheopur, P.S. Saraiya, District-Muzaffarpur, At Present Mohalla-A.G. Colony, P.S. Shastri Nagar, District-Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.17623 of 2018)

For the Petitioner/s : Mr. Rama Kant Sharma, Sr. Advocate
Mr. Satyaveer Bharti, Advocate
Mr. Sanjeev Kumar Jha, Advocate

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

For the Informant : Mr. Ashok Kumar Choudhary, Advocate
Mr. Abhishek Anand, Advocate
Mrs. Madhuri Kumari, Advocate
Mr. Akshansh Ankit, Advocate

(In Cr.Misc. No.24843 of 2018)

For the Petitioner/s : Mr. Davendra Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Srivastava, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL ORDER

8 13-07-2018 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners are in custody in connection with Danapur P.S. Case No.631 of 2017, a case under Sections

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406/420/467/468/471/120B/34 of the Indian Penal Code.

According to F.I.R, a NGO, namely, "Swarn Jayanti Seva Samiti" was running at Danapur in the district of Patna. The petitioners are alleged to be Secretary and Chief Accounts Officer of the said NGO. Other office bearers are also accused.

The prosecution case is that the informant and others applied for getting job in the said NGO on the basis of advertisement in daily newspaper. The candidates appeared in the examination but they were failed deliberately and thereafter money was demanded to ensure their appointment. Salary and other perks were also disclosed to allure them. Accordingly they meted the demand. However, the job was not ensured and different refund cheques, issued in favour of different persons by the NGO, allegedly bounced. For the aforesaid occurrence different cases were lodged by the different victims of the cheating.

Submission of the learned counsel for the petitioners is that when the informant and others failed in the examination, just to put wrongful pressure false and concocted case has been lodged. The petitioners are in custody since 05.01.2018. Investigation of the case is already closed now. The F.I.R would reveal that the informant and others were themselves indulged in

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unlawful activity of ensuring backdoor entry on different posts of the NGO or in the Civil courts as alleged, therefore, they cannot get protection of law.

To counter the aforesaid submission, learned counsel for the informant as well as the State submits that, in fact, the petitioners are running a syndicate and they have link with other State also with deliberate intention to cheat the innocent people who are seeking job and several cases have been lodged against the petitioners for the aforesaid allegation. Therefore, they do not deserve bail. Furthermore, during investigation, the allegations have been found true and charge sheet has already been submitted accordingly.

Learned counsel for the informant submits that the informant has disclosed criminal antecedent of the petitioners in the counter affidavits. However, the counter affidavit does not disclose that the petitioners have knowledge of the aforesaid cases and, as such, deliberatey suppressed the aforesaid facts in their bail application.

Considering the nature of allegation and the period already undergone as well as completion of the investigation of the case especially the facts that the informant and others are apparently found indulging in illegal activity of getting backdoor

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entry in job so they cannot get protection of law, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with Danapur Police Station Case No. 631 of 2017, with condition that the petitioners shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioners.

(Birendra Kumar, J)

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