

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9600 of 2020

Arising Out of PS. Case No.-542 Year-2019 Thana- DANAPUR District- Patna

SUNIL KUMAR GUPTA Son of Shiv Narayan Prasad Gupta @ Shiv Narain
Gupta Resident of Village - Parsaha Nariyar, P.S. - Saharsa, District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pramod Mishra
For the Informant	:	Mr. Manish Kumar No.-II
For the Opposite Party/s	:	Mrs. Nirmala Kumari

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 08-07-2020 The matter has been taken up in a court proceeding
conducted through virtual mode.

Heard learned counsels for the petitioner, informant
and the State.

The petitioner, who is languishing in custody since
10.11.2019, has preferred the present application for grant of
bail in a case registered for the offences punishable under
Sections 406, 420, 467 and 468/34 of the IPC.

The prosecution case, as per the written report of
Sumant Kumar, submitted to the S.H.O., Danapur Police Station
is to the effect that the informant came to know about Swarn



Jyanti Seva Samiti organization and came to the office of the said organization when the said organization took Rs. 500/- from the informant for getting him registered in order to provide him employment. Subsequently, the informant was declared unsuccessful at the examination for such appointment, but in order to get the informant clear the examination, the Secretary of the said organization, Omkar Nath, Chairman, Prem Chaudhari, C.E.O., Raj Singh, Directing Manager, Kumar Sundaram, Regional Head, Hare Krishna Singh and other accused persons including the petitioner, being the employee of the said organization demanded security money for getting the informant employed. The informant worked there from August, 2016 to February, 2017 and ultimately, the informant came to know that he has been cheated. He also came to know that in similar manner, many people have also been cheated by the petitioner and other accused persons. It is specifically alleged against the petitioner that he received Rs. 1,25,000/- from different persons.

It is submitted by learned counsel for the petitioner that the petitioner was simply an employee in the said organization and after working for some time, he left the job from the said organization as he was not paid salary. It is further



submitted that thrust of accusation is against the co-accused persons, who were holding the administrative posts in the said organization. It is further submitted that there is no documentary proof with regard to the payment made to the petitioner by the informant. Though, a statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, but after five months of lodging of the present case, the petitioner has been made accused in other case, being Fulwarisharif P.S. Case No. 1073 of 2019, lodged on 10.12.2019 under Sections 420, 406, 467, 468 and 506/34 of the IPC.

Mr. Manish Kumar No.-II, learned counsel for the petitioner and Mrs. Nirmala Kumar, learned APP submit that the petitioner was remanded in the other case prior to the filing of the present bail application and paragraph no.27 of the case diary suggests that many incriminating articles including the cheques were recovered from the petitioner which suggests huge money transaction and the alleged organization is also indulged in creating forged website of the Patna High Court for which a separate case has been lodged. Moreover, during investigation, huge amount has been found in the bank account of the petitioner.

Considering the rival submissions of the parties,



keeping in view the fact that the thrust of accusation is against the other co-accused persons, who were holding the administrative posts in the organization, the investigation has already been concluded and in the present situation, created due to pandemic, Covid-19, since the court proceedings are not functional in physical mode, there is no likelihood of trial being concluded in near future, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned ACJM-I, Danapur, Patna in connection with Danapur P.S. Case No. 542 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties including one surety given at the time of provisional bail of the like amount each to the satisfaction of learned



ACJM-I, Danapur, Patna in connection with Danapur P.S. Case
No. 542 of 2019.

The learned Court below will be at liberty to extend
the period of provisional bail further if the court proceeding in
physical mode will not resume in next three months.

The learned Court below will be at liberty to cancel
the bail bonds of the petitioner if he defaults for two consecutive
occasions during trial or gets substantially involved in similar
nature of offences.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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