

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10901 of 2020

Arising Out of PS. Case No.-180 Year-2018 Thana- PHULWARISHARIF District- Patna

Satyendra Narayan Singh S/o Late Lalan Prasad Singh, R/o village- Adarsh
Nagar, P.S.- Phulwari Sharif, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Srivastava
For the Opposite Party/s : Mr.Uday Pratap Singh

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

10 20-10-2020 Heard Mr. Anil Kumar Srivatava, learned counsel for
the petitioner and Mr. Uday Pratap Singh, learned counsel for
the State as well as Mr. Manish Kumar No. 2, learned counsel
for the informant through Video Conferencing.

In this case, the petitioner is seeking regular bail in
connection with Phulwari Sharif P.S. Case No. 180 of 2018
registered for offence punishable under sections 341, 323, 420,
354, 307, 376 and 511/34 of the Indian Penal Code.

The prosecution case is that one Pramila Kumari has
lodged an F.I.R. making allegation that in the year 2016 she
along with her friend, Rina Kumari visited Swarn Jayanti Seva
Samiti (NGO) where she met with the petitioner, Satyendra
Narayan Singh, they gave their self introduction and she shown
eagerness for employment. In turn, Satyendra Narayan Singh



had given assurance that he will make an arrangement for their employment as he has a long approach but she will have to pay the amount for that. Under his assurance, payment of Rs.50,000/-was made and six blank cheques bearing Nos.029448, 029450, 029451, 029452, 029453 and 029454 of United Bank of India was given to the petitioner and rest amount of Rs.6,00,000/- was to be given in the instalment, but no appointment letter was received by her. She again visited the said NGO on 05.10.2017 and requested to return the money whereupon one Sumeet Kumar Singh took away her in a room, bolted from inside and thereafter he intended to commit sexual assault upon her which led to institution of the present case.

Learned counsel for the petitioner submits that the money, which is alleged to be paid through cheque, has not been credited to the account of the petitioner, inasmuch as save and except bald statement, there is no material to show that the money was paid to him for the purposes of providing employment to the informant.

The informant has appeared and has taken plea that during the proceeding of anticipatory bail in Cr. Misc. No.57267 of 2018, the petitioner has given undertaking that he is ready to deposit the amount if some reasonable time is allowed which



itself shows that the reversal plea of not taking money is belied from the statement recorded in the order. He has further submitted that the petitioner has a long criminal history and used to dupe innocent person by giving assurance of appointment letter. He has further submitted that a criminal case, vide Kotwali P.S. Case No. 621 of 2017, has been lodged by this Court which is related to the creation of the forged and fabricated document of appointment, for that, the Registry of this Court has lodged the case. During investigation, the name of the petitioner has transpired to be indulged in such activity, placed reliance on paragraph 42 and 55 of the case diary, specific allegation has been made against the petitioner to be involved in such activity. He has also filed counter affidavit making direct allegation against the petitioner to be indulged in the activity of fraudulently creating the document for appointment. He has further submitted that he has been charge sheeted and he is facing a criminal trial.

This Court has given time to verify the statement as to whether charge sheet has been filed by police against the petitioner or not or whether he is facing a criminal trial in the aforesaid case lodged by this Court, but no material has been brought to this Court that the petitioner is facing a criminal trial



with respect to Kotwali P.S. Case No. 621 of 2017. Of course, the name of the petitioner has come during investigation, but the police has not submitted charge-sheet nor the court has issued any notice for his appearance standing trial.

Learned counsel for the petitioner submits that the petitioner is not facing any criminal trial in the present case, inasmuch as, no money has been transacted in his favour as apparent from the document attached with the record does not reflect crediting the cheque to his account. The petitioner has remained in jail since 29.11.2019.

Looking to the entire facts and circumstance of the case, the petitioner is directed to be enlarged on regular bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, Patna in connection with Phulwari Sharif P.S. Case No. 180 of 2018, subject to the condition that one of the bailors of the petitioner shall be his close relative. The petitioner will not induce any witness or tamper with the evidence. The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court. If the petitioner would remain absent for two consecutive dates without any reasonable cause, the court below will be at liberty



to cancel the bail bond of the petitioner.

With the above observation and direction, this bail application is allowed.

(Shivaji Pandey, J)

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