

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27995 of 2020

Arising Out of PS. Case No.-24 Year-2018 Thana- PHULWARISHARIF District- Patna

PREM CHAUDHARY S/o Late Laldeo Chaudhary Resident of Village-
Purandarpur, P.S.-Jakkanpur, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vijay Kumar Sinha
For the Opposite Party/s	:	Mr. Akhileshwar Dayal, APP
For the Informant	:	Mr. Manish Kumar, No. 2, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

10 10-02-2021 Heard learned counsel for the petitioner, learned counsel
for the informant and Mr. Akhileshwar Dayal, learned APP for the
State.

The petitioner in the present case is seeking regular bail
in connection with Phulwarisharif P.S. Case No. 24 of 2018, G.R.
No. 394 of 2018 registered for the offences punishable under
Sections 406, 420, 467, 468, 471 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per
the prosecution story the informant came in contact with one
Sarvan Kumar Singh @ Sardar @ Hardeep Singh, a resident of
West Bengal. The said Sardar made the informant to believe about
the Swarn Jayanti Seva Samiti which is a Non-Governmental
Organisation (NGO). The informant was told that the said NGO is
engaged in recruitment of the Block Co-ordinator and District Co-



ordinator in the Secretariat and on the persuasion of said Sardar, the informant was persuaded to send the candidates for employment. The informant made his bhabhi, brother-in-law, cousin brother and bahnoi of the cousin brother and all of them became ready for the service, thereafter he consulted the co-accused, Sarvan Kumar Singh who called him at Hotel Shiv Krishna at Akaswani and thereafter he came with the above relatives at Shiv Krishna Hotel where Sarvan Kumar has taken advance amount of Rs. 55,000/- and Rs. 25,000/- from each person. They were taken to the office of the NGO at Fulwarisharif, consulted with C.A.O. Raj Singh and assured them for the service and thereafter he has directed one Subhash Chandra Bose to carry the amount which were received by Sarvan Kumar. It is alleged that after passing of 15 days some registration and agreement were executed with the informant and his relative after taking the money and thereafter the appointment letter was given and they were directed to work for the organisation. The different persons were given different appointment letters and after sometime all the accused persons flew away after closing the office. The informant has named this petitioner as President of the organisation together with the other accused persons.

Learned counsel submits that there is no specific allegation against the petitioner of receiving the amount. The



specific allegations are against the co-accused. Learned counsel submits that he has been taken on remand in this case after his own efforts by filing an application, he is in custody in connection with this case since 17.08.2019. As regards the criminal antecedent, learned counsel for the petitioner has submitted that the petitioner being the Chairman of the NGO was earlier remanded in connection with Danapur P.S. Case No. 631 of 2017 and thereafter he has been taken on remand in connection with other five cases.

Learned counsel for the informant has filed a counter affidavit in which he has brought on record the criminal antecedent of the petitioner. According to the informant the petitioner has got at least 14 cases on his head including the one lodged by the Senior Programmer of this Court being Kotwali P.S. Case No. 621 of 2017. It is alleged that the said case has been lodged when a fake website of the Patna High Court was opened by the associates of this petitioner and on perusal of the said First Information Report copy of which has been enclosed with the counter affidavit it would appear that the said F.I.R. has been lodged against one Ravinesh Kumar Sinha who is an associate of this petitioner.

Learned counsel for the petitioner has however repelled his contention saying that the learned counsel for the informant has neither stated that in the complaint petitions this petitioner is an accused nor the petitioner has been taken on remand in



connection with the case lodged by this Court.

The another fact which has been brought to the notice of this Court that in connection with Danapur P.S. Case no. 827 of 2017 in which this petitioner is also an accused when the Secretary of the NGO was granted bail by a learned coordinate Bench of this Court, the same was under challenge before the Hon'ble Supreme Court of India in Cr. Appeal No. 363 of 2020. The Hon'ble Supreme Court has been pleased to set aside the order passed by this Court after noticing the criminal antecedent of the Secretary of the organisation and cancelled the bail of the petitioner in the said case.

Having regard to the facts and circumstances of the case, wherein this petitioner is said to be the Chairman of the organisation and on record there is an affidavit of the informant saying that altogether 14 cases have been filed against the said organisation, considering the criminal antecedent of the petitioner and the fact that the Hon'ble Supreme Court has been pleased to cancel the bail bond of the Secretary of the organisation who was earlier granted bail by a learned coordinate Bench of this Court, this Court is not inclined to grant privilege of regular bail to the petitioner. Prayer is thus refused.

Let the trial be expedited.

Since the petitioner has shown that he is in jail in



connection with this case for more than two years, it is expected that the learned trial court shall proceed with the trial without granting unnecessary adjournments, the prosecution must cooperate in course of trial and all endeavors be made to conclude the same within a period of six months from the date of receipt/production of a copy of this order. If the trial is not concluded within a period of six months for no reason attributable to the petitioner, the petitioner will be at liberty to renew his prayer for bail.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

Rishi/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

