

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.31619 of 2020**

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

OMKAR NATH S/o Kishore Kumar Singh Resident of Mohalla-Tirumala,  
Ram Jaipal Nagar, Gola Road, P.S.-Rupaspur, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                      |   |                                                                               |
|----------------------|---|-------------------------------------------------------------------------------|
| For the Petitioner/s | : | Ms. Kahkashan Alam, Adv.<br>Mr. Kamlesh Kumar, Adv.<br>Mr. Sanjay Sinha, Adv. |
| For the Informant    | : | Mr. Avinash Kumar Singh, Adv.                                                 |
| For the State        | : | Mr. Yogendra Kumar Singh, APP                                                 |

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

14    06-12-2021                      Heard learned counsel for the petitioner, learned  
A.P.P. for the State and learned counsel for the informant.

The petitioner has preferred this application for grant  
of regular bail in a case registered under sections 420, 406, 467,  
468 and 34 of the Indian Penal Code.

As per the prosecution case, the accused persons  
including the petitioner herein are stated to have duped a total of  
21 persons including the informant herein of their money on the  
false promise of getting them employed in Swarn Jayanti Seva  
Samiti, a N.G.O. firm.

It is submitted by learned counsel for the petitioner  
that the allegation as levelled in the F.I.R. are false and



concocted. The petitioner has been falsely implicated in the case. There is no explanation of delay of about three years in lodging of the instant F.I.R. In the F.I.R., there is no allegation that any specific amount was paid to this petitioner. The case of the petitioner stands on a better footing to that of co-accused Sunil Kumar Gupta who has been enlarged on bail vide order dated 8.7.2020 passed in Cr. Misc. no.9600 of 2020. The petitioner is in custody since 26.8.2019 and undertakes to cooperate in the trial in the learned court below. It is submitted that because of the Covid-19 pandemic, there is no chance of the trial concluding in the near future.

Heard learned A.P.P. for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that not only the petitioner is named in the F.I.R. but there is direct allegation against him of having joined hands with other accused persons and having duped 21 persons including the informant herein. Illegal amount of crores of rupees was taken into the account of the N.G.O. firm. It is further submitted that trial has proceeded in the learned court below and three witnesses have been examined on behalf of the prosecution.

Having heard learned counsel for the parties and



taking into consideration the materials on record, the rival submissions made on behalf of the counsels for the parties, the petitioner having remained in custody since 26.8.2019 i.e. for 2 years 3 months and grant of bail to the co-accused Sunil Kumar Gupta, the Court directs the petitioner to be enlarged on bail in connection with Danapur P.S. Case no.542 of 2019 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate I, Danapur.

In view of the trial having proceeded in the learned court below, it is directed that the petitioner shall cooperate in the trial and shall remain physically present on each date. In case of the petitioner's absence on any date for reasons not to the satisfaction of the learned trial court, the learned trial court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

**(Partha Sarthy, J)**

Saurabh/-

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