

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33340 of 2020

Arising Out of PS. Case No.-24 Year-2018 Thana- PHULWARISHARIF 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 : Mr.Sanjay Sinha, Adv.

For the Opposite Party/s : Mr.Permeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 29-01-2021 Heard Mr. Sanjay Sinha, learned counsel for the

petitioner, Mr. Permashwar Mehta, learned APP and Mr. Manish

Kumar No.2, learned counsel for the informant.

Petitioner seeks bail in Phulwari Sharif P.S. Case
No.24 of 2018 registered under Sections 406, 420, 467, 468,
471 and 34 of the IPC.

The informant, in sum and substance, alleged that one
Shrawan Kumar Singh came across with him and he assured
him to provide job. He also assured to provide job to his family
members and on such, Shrawan Kumar Singh, who is alleged to
be an agent of one Swarn Jayanti Seva Samiti (an N.G.O.)
collected huge amount from the informant and his family
members but did not provide job to the informant and others.
The informant alleged that for sometime the informant and



others were provided job to work as Block Coordinators but later on no payment was made to them.

Learned counsel for the petitioner submits that there is no allegation against the petitioner that the petitioner collected any money either from the informant or any member of his family. The petitioner was the Secretary of Swarn Jayanti Seva Samiti. It is further submitted that of course the petitioner has got criminal antecedent but in the present case there is no allegation against the petitioner. The prayer for bail of the petitioner was earlier rejected by order dated 04.12.2019 passed in Cr.Misc.No.47439 of 2019. The petitioner is in custody since 29.04.2019 and not even a single witness has been examined. Therefore, the petitioner deserves bail.

Mr. Manish Kumar No.2, learned counsel for the informant and learned A.P.P., however, vehemently opposed the prayer for bail and submitted that the petitioner has got criminal antecedent and is accused in as many as 14 cases but there are two or three other cases also which are registered against the petitioner. The Registrar, Patna High Court has also registered Kotwali P.S. Case No.621 of 2017. The petitioner issued a fake appointment letter for appointment in different sections of the High Court after taking money from different persons. It is



further submitted that the petitioner was granted bail by this court in one of the criminal case being Danapur P.S. Case No.827 of 2017 vide order dated 04.07.2018 passed in Cr.Misc.No.24565 of 2018 but the informant of that case moved before the Hon'ble Supreme Court in Cr.Appeal No.363 of 2020 arising out of S.L.P. (Crl.) No.9747 of 2018 and the Hon'ble Supreme Court was pleased to cancel the bail of the petitioner on the ground that the criminal antecedent of the petitioner has not been taken into consideration and the petitioner is habituated in cheating many persons, who were aspiring for jobs.

Having considered the submissions and on perusal of the record, I find that the petitioner was a Secretary of Swarn Jayanti Seva Samiti. The said Samiti used to provide jobs to different persons after taking hefty money from job aspirants. The petitioner was one of the active members of the Swarn Jayanti Seva Samiti. As many as 14 cases, all of similar nature, are pending against the petitioner.

Having considered the facts aforesaid, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

Since the petitioner is in custody since 29.04.2019, the trial court is directed to hold the trial on day to day basis and



conclude the same within five months from the date of receipt of this order.

The A.S.P., Danapur is directed to ensure the attendance of the prosecution witnesses in court so that the trial must be concluded within five months.

Let a copy of this order be sent to the trial court as well as the A.S.P., Danapur for information and needful.

(Prabhat Kumar Jha, J)

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