

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8759 of 2021

Arising Out of PS. Case No.-827 Year-2017 Thana- DANAPUR District- Patna

OMKAR NATH S/O KISHORE KUMAR SINGH RESIDENT OF C /O
LALAN SINHA SON OF RAMDAT SINHA CHANKIYA BIHAR
MANOKAMANA MANDIR BHETNARI COLLAGE PILLAR NO 04 PS
RUPASPUR DISTRICT PATNA PERMANENT ADDRESS BHAKURA,
P.S-MUFFSIL BHOJPUR, DISTRICT-BHOJPUR AT ARA. AT PRESENT
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
For the Opposite Party/s : Mr.Ashok Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 01-02-2021 Heard the learned counsel for the petitioner and

Sri Ashok Kumar, the learned APP for the State.

The petitioner seeks regular bail in connection
with Danapur PS case no. 827 of 2017 instituted for the offences
punishable under Sections 420, 406, 468, 471, 120(B) of Indian
Penal Code.

The case of the prosecution in brief, according
to the informant is that he and his friends had come to know that
an institution in the name and style of Swarn Jayanti Sewa
Samity was providing jobs, whereafter they got themselves
registered in the said institution upon payment of a sum of Rs.
5,000/- each, whereupon they were called for examination but



they were made to fail in the examination. Thereafter, the petitioner along with others had demanded money from the informant and his friends for the purposes of passing them in the exam in order to provide jobs to them. It is further alleged that when the jobs were not provided to the informant and others, they had demanded refund of their money but the accused persons did not return the money and in such a manner, cheated the informant and his friends.

This Court finds that the petitioner herein was granted bail in connection with Danapur PS case no. 827 of 2017 under Sections 420, 406, 468, 471, 120B of Indian Penal Code, by an order dated 04.07.2018, passed in Cr. Misc. no. 24565 of 2018, however the informant had approached the Hon'ble Apex Court by filing a S.L.P. (Crl.) No. 9747 of 2018 (Cr. Appeal no. 363 of 2020), in which the Hon'ble Supreme Court by an order dated 14.02.2020, had set aside the order of this Court dated 04.07.2018 on the ground that the criminal antecedent of the petitioner has not been considered. Now, the petitioner has again approached this Court for renewal of his prayer for bail.

The learned counsel for the petitioner has submitted that the Hon'ble Apex Court has clearly stated in



paragraph no. 15 of the aforesaid order dated 14.02.2020, which are as follows :-

“It is made clear that any observation made herein may not stand in the way of the consideration of any fresh bail application moved by the second respondent. They may not also be taken to be a finding on merits.”

Hence, it is submitted by the learned counsel for the petitioner that the said order dated 14.02.2020 of the Hon’ble Apex Court will have no bearing on the merits of the case of the petitioner as far as consideration of the case of the petitioner for grant of bail by this Court, is concerned.

This Court finds that the Hon’ble Apex Court, by an order dated 14.02.2020 has also observed that the bad criminal antecedent of the petitioner has not been considered by the High Court and on this ground, the order of this Court has been set aside. This Court further finds that the petitioner has mentioned that he is an accused in 14 other cases, which are reproduced hereinbelow :

(i) Danapur PS case no. 631 of 2017 under Section 406, 420, 467, 468, 471/34 of Indian Penal Code- Bail granted- Trial at advanced stage.

(ii) Danapur PS case no. 433 of 2017 under Section 406, 420, 467, 468, 471, 120(B)/34 of Indian Penal Code and



Section 138 of N.I. Act- Bail granted-Trial at advanced stage.

(iii) Argora (Ranchi) PS case no. 216 of 2017 under Section 406, 420, 467, 468, 471/34 – Bail granted.

(iv) Kotwali PS case no. 621 of 2017 under Section 406, 420, 467, 468, 471/34 of Indian Penal Code-Bail granted

(v) Patna City Complaint case no. 484 of 2017 under Section 138 of N.I. Act-Bail granted.

(vi) Vaishali complaint case no. 2721 of 2017 under Section 138 of N.I. Act.

(vii) Danapur Complaint case no. 1047 of 2017 under Sections 406, 420, 467, 468, 471/34 of Indian Penal Code- Bail granted.

(viii) Patna complaint case no. 4569 of 2017 under Sections 406, 420, 467, 468, 471/34 of Indian Penal Code- Bail granted.

(ix) Danapur complaint case no. 1043 of 2018 under Sections 406, 420, 467, 468, 471/34 of Indian Penal Code- Bail granted.

(x) Kotwali (Patna) PS case no. 376 of 2019 under Sections 223, 224, 353 of Indian Penal Code- Bail granted.

(xi) Danapur PS case no. 542 of 2019 under Sections 406, 420, 467, 468/34 of Indian Penal Code.

(xii) Phulwari Sharif PS case no. 24 of 2018 under Sections 406, 420, 467, 468, 471/34 of Indian Penal Code.

(xiii) Phulwari PS case no. 1073 of 2019 under Sections 406, 420, 467, 468, 506/34 of Indian Penal Code.

(xiv) Beur PS case no. 115 of 2020- Bail granted.



Considering the fact that the petitioner is an accused in 14 other cases as also considering the law laid down by the Hon'ble Apex Court in the case of *Ash Mohammad vs. Shiv Raj Singh & Anr.* reported in *(2012) 9 SCC 446*, I do not find any reason to re-consider the prayer of the petitioner for grant of bail, accordingly the present petition stands dismissed.

(Mohit Kumar Shah, J)

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