

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11743 of 2021

Arising Out of PS. Case No.-1073 Year-2019 Thana- PHULWARISHARIF District- Patna

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Omkar Nath, S/O Kishor Kumar Singh, R/O Mohalla- Lalan Sinha, S/O Ramdat Sinha Chanakiya Bihar Manokamna Mandir Bhetnari Collage Pilar No 04, P.S- Rupaspur, District-Patna, at Permanent Add.-BHAKURA, P.S-Muffsil, District-Bhojpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Sanjay Sinha, Adv.
For the Opposite Party/s	:	Mr.Madan Kumar, APP
For the Informant	:	Mr. Manish Kumar No.2, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 27-09-2021 Heard the parties.

The petitioner seeks bail in a case registered for the offence punishable under Sections 420/ 406/ 467/468/506/34 of the Indian Penal Code.

The prosecution case, in brief is that the informant and his friends had come to know that as 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



purpose 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 in such a manner, cheated the informant and his friends.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that there is no specific allegation against the petitioner. The petitioner was secretary the Secretary of Swarn Jaayanti Seva Samiti. The petitioner is languishing in jail custody since 29.03.2020. The petitioner has 14 criminal antecedents which is mentioned in para 3 of the bail petition. The co-accused, namely, Sunil Kumar Gupta has been granted bail by this Court vide order dated 12.07.2021 passed in Cr. Misc. No.9434/2021 and he has only one criminal antecedent.

Learned counsel for the informant as well as for the State opposed the prayer for bail petition and submit that the petitioner was involved in the present case and the petitioner was earlier granted bail by co-ordinate Bench of this Court but the Hon'ble Apex Court has cancelled the bail of the petitioner.

Considering the aforesaid facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail.



Accordingly, the prayer for bail of the petitioner is rejected in connection with Phulwarisharif P.S. Case No. 1073/2019 from the Court of learned Sub Judge IX cum A.C.J.M., Patna.

Accordingly, this application is dismissed.

However, the petitioner is at liberty to renew his prayer for bail after framing of the charge.

(Anjani Kumar Sharan, J)

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