

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12865 of 2022

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

Prem Chaudhary, S/O Late Laldeo Chaudhary, R/o village- Purandarpur, P.S.-
Jakkanpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Kahkashan Alam, Advocate Mr. Kamlesh Kumar, Advocate
For the State	:	Mr.Ram Sumiran Rai, APP
For the Informant	:	Mr. Manish Kumar No.2, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 23-08-2022 Today, a hard copy of the counter affidavit has been
filed on behalf of the informant, which is taken on record.

Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the Informant.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks from the date of
resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in
connection with Phulwarisharif P.S. Case No. 1073 of 2019,
registered for the alleged offences under Sections 420, 406, 467,
468, 506 and 34 of the Indian Penal Code.

As per the prosecution case, the petitioner and
other co-accused persons through their N.G.O., Swarn Jayanti



Seva Samiti, duped a number of persons including the informant huge amount of money by issuing fake appointment letters of employment. The petitioner is stated to be the Chairman of the said N.G.O.

The learned counsel appearing on behalf of the petitioner submits that the informant and other complainants did not make payment for getting the job rather they made the payment as the security and the membership to do their work of organization. The petitioner has not issued any appointment letter and he did not enter into the agreement with any person. So the claim of the informant about issuance of appointment letters after agreement on non-judicial stamp papers is false. The learned counsel further submits that no material has been collected against this petitioner during the investigation by the authorities. The learned counsel further submits that the co-accused Secretary of the N.G.O., namely Omkar Nath has been granted bail by a Coordinate Bench of this Court vide order dated 11.05.2022 passed in Cr. Misc. No. 14904 of 2022. Furthermore, the other co-accused persons, namely Manoj Kumar Mani, Sunil Kumar Gupta, Natasha Chaurasia and Satyendra Narayan Singh have also been granted anticipatory bail/regular bail in A.B.P. No. 1582 of 2020, Cr. Misc. No. 9434



of 2021, Cr. Misc. No. 36100 of 2021 and Cr. Misc. No. 25681 of 2021, respectively. The case of the petitioner stands on similar footing. The learned counsel further submits that the charges have been framed and the matter has been coming for recording of prosecution evidence and this petitioner is in custody since 27.03.2021.

Learned APP as well as learned counsel for the informant opposes the prayer for bail of the petitioner. The learned counsel for the informant submits that the petitioner is the Chairman of the N.G.O., namely Swarn Jayanti Seva Samiti and fourteen cases have been lodged against this N.G.O. under different police stations. The petitioner being the Chairman of the N.G.O. is totally responsible for all illegalities committed in the name of N.G.O. The said N.G.O. is also found involved in creating a fake website of Patna High Court and the same is subject matter of Kotwali P.S. Case No. 621 of 2017. The learned counsel further submits that only one prosecution witness has been examined in the instant case as the delaying tactics are being adopted by the accused persons and adjournment is being taken on behalf of them. The petitioner is not interested in conclusion of the trial. The learned counsel further submits that in view of the conduct of the petitioner and



the co-accused persons, the learned trial court be directed to conclude the trial as expeditiously as possible without giving adjournment to either of the parties.

Perused the record.

Having regard to the facts and circumstances and submissions made hereinabove and considering the grant of bail to other accused persons and also considering the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Judge-IX-cum-Additional Chief Judicial Magistrate, Patna, in connection with Phulwarisharif P.S. Case No. 1073 of 2019, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be the close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the



petitioner will be liable to be cancelled by
the court concerned.

At the same time, learned trial court is directed to
conclude the trial within four months without giving
unnecessary adjournment to either of the parties and send a
report in this regard to this Court after conclusion of the trial.

(Arun Kumar Jha, J)

V.K.Pandey/-

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