

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47620 of 2021

Arising Out of PS. Case No.-19 Year-2021 Thana- DHANAHAN District- West Champaran

1. Premnath Maurya Son of Kailash Maurya Resident of Village - Belwaniya, P.S.- Khalilabad, District - Sant Kabir Nagar.
2. Nand Kishore Prasad @ Nand Kishore Prajapati Son of Lakshman Prasad Prajapati @ Lakshman Prasad Resident of Village - Padrouna, P.S.- Padrouna, District - Kushinagar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Gupta, Advocate
For the Informant	:	Mr. Sanjeev Kumar, Advocate
For the Opposite Party/s	:	Mr. Arvind Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 17-02-2022 Heard learned counsel for the petitioners, learned counsel for the informant and Shri Arvind Kumar, learned A.P.P. for the State through virtual court proceedings.

The petitioners seek bail in connection with Dhanaha P.S. Case No. 19 of 2021 instituted for the offences under Sections 419, 420, 467, 468, 120(B) and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are in custody since 27.01.2021, are persons with clean antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioners submits that the



informant alleges that the petitioners who are Branch Manager and General Manager of Smart Bharat Abhiyan Pragati Mission Society respectively, came to the house of the informant and asked that they need some more Gram Sabha Sevak and Block Sevak for the company. Further, it is alleged that the petitioners collected different amount from the informant and other 65 persons in the name of registration fee but no service was provided to them, thereafter the informant came to know that the petitioners company was not registered. It is further alleged that the petitioners cheated the informant along with other 65 persons as they used to take money in the name of offering job and also issued forged certificate and thus cheated innocent people.

Learned counsel for the petitioners submits that the petitioners are innocent and from perusal of the allegation it would manifest that the F.I.R. has been instituted after a considerable delay i.e. after more than an year of the occurrence. Learned counsel submits that even assuming what has been alleged is true without admitting the same for the purposes of bail, then during the course of investigation it has come that some of the persons were even given job and they received their salary even for a period of three months, it is thus submitted that



the money taken by the petitioners for providing the job, gets satisfied as some of them were given job and further that the salary which they received should be deducted from the money which has been taken by the petitioners in the name of giving job.

Learned counsel for the informant vehemently opposes the prayer for bail of the petitioners and submits that the submission made by the learned counsel for the petitioners fortifies the allegations alleged in the F.I.R. as it has been submitted that some of the persons in lieu of money were given job and they received salary and the amount which they received by way of salary should be deducted from the account which the petitioners by cheating the people have collected. Learned counsel for the informant further submits that the petitioners had issued a cheque worth Rs. 10 lakhs in order to settle the part of the claim, this further goes to demonstrate that the petitioners right from the beginning were aware that they have cheated the innocent people and in case if a case is instituted then they would try to settle the issue. It is further submitted that even the cheque which was issued so that the part payment to the innocent people can be made, bounced which further goes on to show that the petitioners were only trying to



portray that they intend to settle the issue but in reality they had no intention to settle the dispute.

Learned A.P.P. for the State also vehemently opposes the prayer for bail of the petitioners.

Considering the submissions made by the learned counsel for the informant and learned A.P.P. for the State, the Court for the present is not inclined to grant bail to the petitioners. Their prayer for bail is thus rejected.

(Satyavrat Verma, J)

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