

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.63300 of 2021**

Arising Out of PS. Case No.-24 Year-2018 Thana- PHULWARISHARIF District- Patna

Prem Chaudhary Son Of Late Laldeo Chaudhary Resident Of Village-
Purandarpur, P.S.- Jakkanpur, District- Patna. Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s	:	Ms. Kahkashan Alam, Advocate
For the State	:	Mr. Akhileshwar Dayal, APP
For the Informant	:	Mr. Manish Kumar No. 2, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 05-01-2022 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner, Mr. Manish Kumar No. 2, learned counsel representing the informant and Mr. Akhileshwar Dayal, learned APP for the State.

This is the second attempt of the petitioner to obtain bail in connection with Phulwari Sharif P.S. Case No. 24 of 2018 registered for the offences punishable under Sections 406, 420, 467, 468, 471/34 of the Indian Penal Code.

Earlier this Court noticed that the petitioner happens to be the chairman of the organisation namely Swarn Jayanti Sewa Samiti which is a non-governmental organisation (NGO). Through this NGO, it is alleged that people were offered jobs and heavy amounts were realised from them. There are



allegations that the associates of this petitioner had launched a fake website of the Patna High Court which is also subject matter of Kotwali P.S. Case No. 621 of 2017. The secretary of this organisation was earlier granted bail by a learned Co-ordinate Bench of this Court but the same was cancelled by the Hon'ble Supreme Court. At least 14 cases have been filed against the said organisation. While rejecting the prayer for bail of the petitioner, this Court observed that if the trial is not concluded within a period of 6 months for no reason attributable to the petitioner he may renew his prayer for bail.

Learned counsel for the informant submits that soon after the aforesaid order was passed by this Court, the second wave of Covid-19 broke out and the court had to be closed for few months and thereafter only in limited manner the court started functioning, despite all these odds almost all the prosecution witnesses have been examined and now only the I.O. of this case has remained to be examined. It is his submission that the materials collected in course of trial are not before this Court, hence, no view may be taken as regards bail of the petitioner at this stage.

This Court had called for a report from the learned trial court. It appears from the report as contained in letter no.



207 dated 09.12.2021 received from the learned trial court that the trial itself is likely to be concluded within a period of 6 months.

Considering the materials discussed hereinabove, the seriousness of the allegations and the number of cases in which the organisation of which the petitioner is said to be the chairman is involved and further that the trial itself is at the fag end, this Court is not inclined to release the petitioner on bail at this stage. The prayer for bail is, thus, refused.

Let the trial court continue with the conclusion of trial and all endeavours be made to conclude the trial as early as possible preferably within a period of 4 months from the date of communication of this order.

If the trial still remains unconcluded for no reason attributable to the petitioner, he may renew his prayer for bail in the court below itself which will be considered on the basis of materials collected in course of trial.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

