

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33310 of 2023

Arising Out of PS. Case No.-949 Year-2022 Thana- MUNGER COMPLAINT CASE
District- Munger

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NISHANT KUMAR @ AMARDATT S/O KUNAL CHAKRAVARTY R/O
Maheshpur, P.S.- Sanhaura, District- Bhagalpur

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. RAJENDRA PRASAD SON OF LATE BHAGESWAR DAS R/O
Village/Mohalla- Deoghar, PS- Medani Chauki, District- Lakhisarai, at
present Resident Mohalla- Gandhi Tola, Rampur, PS- Jamalpur, District-
Munger

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 30665 of 2023

Arising Out of PS. Case No.-949 Year-2022 Thana- MUNGER COMPLAINT CASE
District- Munger

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PAWAN KUMAR Son of Umesh Mandal Resident of village-Ghanshyam
Chak, P.S.-Sanhoula, District-Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. RAJENDRA PRASAD Son of Late Baleshwar Das Resident of
village/mohalla-Deoghar, P.S.-Medani Chauki, District-Lakhisarai, at
present Resident mohalla-Gandhi Tola, Rampur, P.S.-Jamalpur, District-
Munger

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 38948 of 2023

Arising Out of PS. Case No.-949 Year-2022 Thana- MUNGER COMPLAINT CASE
District- Munger

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KUNAL CHAKRABARTY Son of Haridya Narayan Singh Resident of
village - Maheshpur, P.S. - Sanhaura, Distt. - Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Rajendra Prasad Son of Late Bhageswar Das Resident of Village - Deoghar,



P.S. - Medani Chauki, Distt .- Lakhisarai, at present resident of mohalla -
Gandhi Tola, Rampur, P.S. - Jamalpur, Distt. - Munger

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 33310 of 2023)

For the Petitioner/s : Mr.Deepak Kumar Sinha, Adv.

For the Opposite Party/s : Ms.Rita Verma, APP.

Mr.Ravish Mishra, Adv.

(In CRIMINAL MISCELLANEOUS No. 30665 of 2023)

For the Petitioner/s : Mr.Deepak Kumar Sinha, Adv.

For the Opposite Party/s : Mr.Prem Kumar Jha, APP.

Mr. Ravish Mishra, Adv.

(In CRIMINAL MISCELLANEOUS No. 38948 of 2023)

For the Petitioner/s : Mr.Deepak Kumar Sinha, Adv.

For the Opposite Party/s : Ms.Rita Verma, APP.

Mr. Ravish Mishra, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 25-08-2023 As these bail applications have cropped up from the same
police station case number, hence, with consent of parties, they
are being heard together and disposed of by this common order.

2. Heard the parties.

3. Petitioner apprehends his arrest in connection with
Complaint Case No. 949 of 2022, registered for the offence
punishable u/s 420, 467, 468, 471, 120(B), 34 of the IPC.

4(1). Prosecution story, in brief, is that the petitioners
along with other accused persons came to the complainant and
gave information regarding vacancies in three departments –
Group D post in Forest Department, Gardner in Army and CCL
and told that if he arrange Rs. 4,00,000/- per person, they can
secure job to 20 to 25 persons in above three departments.



4(2). It is further alleged that the complainant, after coming under the influence of the petitioners, told the said offer to 30 persons out of whom 26 persons became ready to get job after giving Rs. 3,00,000/-. Thereafter, the complainant, in presence of witnesses and other other persons, gave about Rs. 43 lac cash within three months from February and May, 2018 and also deposited Rs. 38,82,999/- in the accounts of Pawan Kumar and friend of Pawan Kumar, namely, Animesh Kumar. Thereafter, all the accused persons got filled up their form for the above mentioned departments and also gave Admit Cards to them. They also have given appointment letters to 11 persons in Forest Department, 5 persons for the post of Gardner in Army and their medical was done and they were also given training for three months, without salary. Nine persons were given appointment letter in CCL department. However, none of them got appointed in any department.

4(3). When the complainant along with other persons demanded their money back as none of them got appointment, petitioner Kunal Chakarbarty gave in writing on a paper having revenue stamp that till 30.08.2022, he will return Rs. 18 lacs to the complainant and put his signature on the alleged paper along with signatures of other witnesses and villagers. On 30.08.2022,



when the complainant demanded money again, all the accused persons flatly refused to return any money and also threatened them.

5. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. No such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioners is totally false and based on concocted facts. They never delivered any admit card nor took away for Medical Test or camp or training centre. They have only filled up their forms for the vacancies published in Army, CCL and Forest Department on the request of the complainant side as both the parties were known to each other since before. No chit of paper has been filed during inquiry to show that they have paid the amount as stated in the complaint petition. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

6. Per contra, learned APP for the State as well as learned counsel for the complainant vehemently opposing the bail petition submit that from bare perusal of record, it is evident that several transactions of money were done during the said period in the account of the accused persons. The photocopy of the



document filed in the LCR also corroborates the complaint case. Allegation of issuance of call letter and joining letter also finds corroboration from the documents filed before the learned Court below. As there is serious allegation against the petitioners, they do not deserve anticipatory bail.

7. Considering the facts and circumstances of case, as there are serious allegations against the petitioners, I am not inclined to enlarge the petitioners on bail. The prayer for bail of the petitioners is hereby rejected.

8. However, if the petitioners surrender before the learned Court below within six weeks from today and seek regular bail, the learned Court below shall pass order on the same day in accordance with law without being prejudiced by this order considering the fact that petitioner Kunal Chakrabarty is working as a teacher.

(Anjani Kumar Sharan, J)

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