

[2025:JHHC:17407]

IN THE HIGH COURT OF JHARKHAND AT RANCHI
B.A. No.2395 of 2025

Rajesh Kumar Singh, aged about 47 years, Son of Late Prabhunath Singh, Resident of Road No.13, Hawaii Nagar, P.O.- Hinoo, P.S.- Jagarnathpur, Hatia, District- Ranchi, Jharkhand.

.... Petitioner

Versus

1. The State of Jharkhand

2. Tanmay Mukherjee, Son of Late Gopalchandra Mukherjee, Resident of Choudhary Niwas, In front of Saroj Apartment, Kilbern Coloney Hinoo, P.O. & P.S.- Doranda, District- Ranchi (Jharkhand)

.... Opposite Parties

CORAM : HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner	: Mr. Ajit Kumar, Sr. Advocate Ms. Aprajita Bhardwaj, Advocate Mr. Krishna Prajapati, Advocate Mr. Anshuman Mishra, Advocate
For the State	: Mr. Manoj Kumar, GA III Mr. Vineet Kr. Vashistha, Spl.P.P.
For the O.P. No.2	: Mr. Mahesh Tewari, Advocate

Order No.04 Dated- 01-07-2025

I.A. No.4767 of 2025

Heard the parties.

Learned counsel for the informant/opposite party No.2 namely Tanmay Mukherjee who is the informant of Chutia P.S. Case No.130 of 2022 submits that this interlocutory application has been filed with a prayer to issue notice to the opposite party No.2 of the instant interlocutory application namely Brajesh Kumar Singh and to proceed against him, for having committed forgery and fraud in this bail petition, under Section 340 of the Code of Criminal Procedure.

In view of this, issue notice to the opposite party No.2 of the instant interlocutory application namely Brajesh Kumar Singh.

The opposite party No.2 of the instant bail application is directed to file requisites for service of notice upon the opposite party No.2 of the instant interlocutory application namely Brajesh Kumar Singh by registered post with A/D as well as under process of the court within a week failing which; this interlocutory application shall stand dismissed without further reference to the Bench.

Rule is made returnable within six weeks.

In case the requisites are filed, list this interlocutory application after receipt of the service report of the notice issued to the opposite party No.2 of the instant interlocutory application namely Brajesh Kumar Singh.

Registry is directed to separate the case records of this interlocutory application from the bail application.

(Anil Kumar Choudhary, J.)

B.A. No.2395 of 2025

The petitioner has been made accused in connection with Chutia P.S. Case No.130 of 2022 registered under Section 420, 406, 408, 467, 120B of the Indian Penal Code.

The brief facts of the case is that this case has been lodged alleging that the co-accused persons namely Abhay Kumar Mishra, Kashinath Mukherjee and Malay Kumar Nandi are the self-declared Secretary, President and Treasurer respectively of Sri Ram Krishna Seva Sangh and Vivekanand Vidya Mandir and that they are wrongfully managing the said Sri Ram Krishna Seva Sangh and Vivekanand Vidya Mandir. It is further alleged that under the patronage of the co-accused Abhay Kumar Mishra the Principal of the school namely Dr. Kiran Dwivedi and the other two co-accused namely Malay Kumar Nandi as well as Kashinath Mukherjee as also the petitioner, who is a contractor and the owner of Adarsh Construction and the Bank Manager of HDFC Bank and the Chartered Accountant namely Praveen Sinha and others in connivance with each other by fraud and cheating, have misappropriated the money of Vivekanand Vidya Mandir and Sri Ram Krishna Seva Sangh. The co-accused persons paid about Rs.3.5 crores to the petitioner, illegally without any

tender and agreement and without approval of the plan of the building by the competent authority and the management of H.E.C. between October, 2019 to March, 2022 by giving him advance money. A sum of Rs.4,30,000/- has been paid to the petitioner by transferring the same to the bank account of the petitioner for purchasing the vehicle of the petitioner in the name of the co-accused Abhay Kumar Mishra. On the basis of the written-report submitted by the informant, police registered Chutia P.S. Case No.130 of 2022 and took up the investigation of the case. After completion of the investigation, police submitted charge-sheet.

Learned senior counsel for the petitioner submits that the allegation against the petitioner is false. It is next submitted that the F.I.R. is based on false statement. It is next submitted that there is inordinate and unexplained delay of 5-7 years in lodging the F.I.R. for which earlier also Jagannathpur P.S. Case No.314 of 2017 was lodged. It is further submitted that the informant has suppressed the material fact that Hon'ble (Retired) Justice Narendra Nath Tiwari has been appointed as an Administrator of Sri Ram Krishna Seva Sangh and Vivekanand Vidya Mandir in terms of the order dated 03.03.2022 passed by a co-ordinate Bench of this Court in W.P.(C) No.1151 of 2020 and he has taken charge on 07.03.2022 but the F.I.R. was registered much after the same on 07.06.2022. It is then submitted that there is no illegality in the petitioner receiving the money for the work he has done and the vehicle he has sold to the school. It is further submitted that there is no dispute that the petitioner has constructed the G+2 Building for, which he has received the amount, which is alleged to be fraudulent one. It is also submitted that the petitioner has been working with the school with effect from 2008-2009 as a contractor and he has constructed the boundary wall of the school in the year 2007, constructed the building of the school in the year 2011 and he has also constructed the entire drainage system of the school and he was given many other works of the schools and there was no complaint for the past 17 years of his works which has been completed by the petitioner and the informant also as a Member, inspected the work of the petitioner. It is further submitted that there is no illegality in the petitioner participating and being awarded the contract of providing the vehicle on

rent; consequent upon his submitting the lowest quotation of Rs.18,500/- per month after a tender being floated by the school. It is submitted that the driver of the vehicle was initially provided by the school but the maintenance of the vehicle was done by the petitioner. It is next submitted that none of the offences for which F.I.R. has been registered, is made out against the petitioner. It is also submitted that the co-accused Abhay Kumar Mishra has already been given the privilege of anticipatory bail by this Court vide order dated 11.03.2025 passed in A.B.A. No.1629 of 2025. It is further submitted that all the offences alleged, are triable by the Magistrate. It is then submitted that the petitioner undertakes that he will co-operate with the trial of the case and that he will not annoy or disturb the informant and other witnesses of the case during the trial of the case. It is lastly submitted that the petitioner has been in custody since 08.02.2025 as is evident from para-01 of the instant bail application. Hence it is submitted that the petitioner be released on bail.

Learned counsel appearing for the State and the learned counsel for the opposite party No.2 vehemently oppose the prayer for bail and submit that the petitioner, in criminal conspiracy with the co-accused persons, has cheated Sri Ram Krishna Seva Sangh and Vivekanand Vidya Mandir, hence, all the offences in respect of which the F.I.R. of this case has been registered, is made out against the petitioner. Learned counsel appearing for the State and the learned counsel for the opposite party No.2 further submit that the petitioner has filed fraudulent documents through his Pairvikar in the supplementary affidavit. Hence, it is submitted that the petitioner ought not be admitted to bail.

Having heard the rival submissions made at the Bar and after carefully going through the materials available in the record, it is pertinent to mention here that the undisputed fact remains that the petitioner has made construction of a G+2 Building of Vivekanand Vidya Mandir and in that respect, the petitioner has been paid about Rs.3,50,00,000/-. The undisputed fact also remains that the petitioner has given his vehicle on hire to the school after being the lowest bidder and ultimately, the petitioner has sold the vehicle for a consideration amount.

Considering the facts of this case and the fact that the petitioner has remained in custody for a considerable period of time and the fact that the charge-sheet has already been submitted in this case, the above-named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ranchi in connection with Chutia P.S. Case No.130 of 2022 **with the condition that he will co-operate with the trial of the case, furnish his mobile number and photocopy of the Aadhar Card in the court below with an undertaking that he will not change his mobile number during the trial of the case and will not annoy or disturb the informant and other witnesses of the case during the trial of the case.**

(Anil Kumar Choudhary, J.)

Animesh/