

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45784 of 2014

Arising Out of PS.Case No. -295 Year- 2014 Thana -TEKARI District- GAYA

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Dr. Binay Kumar @ Binay Kumar Son of Sri Arjun Prasad Resident of
Village - Salempur, P.S. - Tekari, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha

For the Opposite Party/s : Mr. J.N. Thakur (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

06/ 06-08-2015

Heard learned counsels for the petitioner

and the State.

The petitioner is apprehending his arrest in
a case registered for the offences punishable under Sections 419
and 420 of the Indian Penal Code.

The prosecution case is that the informant
deposited Rs. 2,00,000/- (Two lakhs) by way of donation for
taking admission in Nursing Training School but she was given
receipt of Rs.90,000/-, but neither her registration was made nor
she was allowed to appear at the Nursing examination. The
petitioner happens to be nominated President of the said
Institute.

It is submitted by learned counsel for the



petitioner that initially the recognition was granted for a limited person, hence, admission was taken but subsequently the period of recognition was not extended and a dispute arose between the management as the two groups started claiming the Institution. The said dispute travelled to this Court in C.W.J.C. No. 13830 of 2013 where a Co-ordinate Bench of this Court vide order dated 31.01.2014 disposed of the writ application with a liberty to the parties to get issue decided by a competent Civil Court. It is further submitted by learned counsel for the petitioner that co-accused Sanjeev Kumar and Surajdeo Singh have been granted anticipatory bail vide Cr. Misc. No. 23244 of 2015. It appears from the order passed in Cr. Misc. No. 23244 of 2015 that wrong submission was made that the institution is recognized one and the order in this regard has been passed in C.W.J.C. No. 13830 of 2013. The order dated 31.01.2014 passed in C.W.J.C. No. 13830 of 2013 does not suggest that this Court held the institution in question being registered one.

In view of the above facts, let the learned court below consider the prayer for regular bail of the petitioner, if the petitioner surrenders before the learned court below within a period of six weeks from today in connection with Tekari P.S. Case No. 295 of 2014 pending in the court of learned Chief

Judicial Magistrate, Gaya.

With the aforesaid observation, this application is disposed of.

(Dinesh Kumar Singh, J)

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