

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43815 of 2015

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. Shailesh Kumar

For the Opposite Party/s : Mr. Sharda Kumari(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

02/ 24-02-2016

Heard learned counsels for the petitioner

and the State.

The petitioner has renewed his prayer for
anticipatory 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/- (Ninety thousand). But neither the
registration of the informant was made nor she was allowed to
appear at the Nursing Examination. The petitioner was alleged to
be nominated President of the said Institute.

It is submitted by learned counsel for the

petitioner that due to interrupted recognition of the institute the informant was not allowed to appear at the examination. The petitioner was not the President at the relevant time as he was removed by the Secretary on 30.11.2012. The institute was run by the Secretary and his son. It is further submitted that some of students of the same institute had earlier lodged case against the petitioner and others where Secretary and others are in custody and hence, present prosecution amounts to double jeopardy.

Considering the nature of accusation, this Court is not inclined to revise the earlier order.

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.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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