

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41882 of 2016

Arising Out of PS.Case No. -540 Year- 2007 Thana -BHAGALPUR COMPLAINT CASE District-
BHAGALPUR

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1. Ashish Prakash Son of Jai Prakash Yadav, Resident of Muhalla -
Professor Colony, Ward No. 4 Western side of P.S. collage Madhepura, P.S.
- Madhepura, district- Madhepura.

.... Petitioner/s

Versus

1. State of Bihar
2. Viajy Kumar Singh Son of late Gopi Nath Singh, Resident of Village-
Gouhar, P.S. Rasalpur (Kahalgaon), District- Bhagalpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nagendra Upadhyay

For the Opposite Party/s : Mr. Manoj Kumar - 1

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

5 07-12-2016 Heard both sides.

The petitioner apprehends his arrest in Complaint
case No. 540 of 2007 under Section 406 of the Indian Penal Code.

The complainant alleged that petitioner, his brother
and father came and persuaded the complainant to deposit money
for admission of his son, Ajit Kumar, in an engineering college at
Pune. The complainant deposited Rs. 40,000/-, 25,000/-, 6000/-
and Rs. 49,000/- on different dates in the account of petitioner
bearing No. 30032974520 but the petitioner did not get his son
admitted in the engineering college nor returned the money.

The learned counsel for the petitioner submits that



bank statement shows that only Rs. 95,000/- was deposited in the account of petitioner. The entire money was withdrawn and handed over to the son of complainant as the son of complainant was also living in Pune. No criminal offence is made out. The complainant has got remedy to recover the money by filing money suit but from the records it appears that petitioner persuaded the complainant to deposit money in his account as capitation money to get the son of complainant admitted in the engineering college and complainant deposited Rs. 1,20,000/- in the account of petitioner but the petitioner did not get the son of complainant admitted in engineering college nor returned the money.

Considering the facts aforesaid and the nature of allegation made against the petitioner, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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