

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3647 of 2016

Arising Out of PS.Case No. -695 Year- 2007 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Smt. Komal Pandey wife of Shri Pankaj Pandey resident of 178,
Aradhana Nagar, near Sarda Hospital, Bhopal, P.S. - Kamla Nagar, District
- Bhopal.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ujjwal Kumar Rai S/o Late Dr. U.N. Rai R/o Padarath Lal Road Dhobi
Tola, P.O. & P.S. - Danapur Cantt., District Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tuhin Shankar
For the Opposite Party/s : Mr. Pranav Kumar(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 08-02-2016 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner is in custody since 23.05.2015 in
connection with Complaint Case 695(c) of 2007, registered for
offences punishable under Section 420/120(B) of the Indian Penal
Code and Section 138 of the Negotiable Instrument Act.

Learned counsel for the petitioner submits that the
transactions in question was between the complainant and one
Vimal Chandra Manas, who was the Chairman of R.D. Gardi
Medical College and this petitioner. The petitioner was merely an
employee of college at Ujjain, who had received the draft in

question with regard to admission fee of complainant's daughter.

It is further submitted that when the relationship between the parties ruptured and the girl could not get the admission in the aforementioned college, the informant became vicious and has tried to rope in the present petitioner by stating that she had also accepted Rs. 10 lacs, which is not entirely correct. It is further submitted that the cheque purported to have been issued by present petitioner was at the behest of the principal of the college who had roped her in with oblique purpose and at best she could only be implicated under the relevant provisions of N.I. Act.

Having heard the parties and in view of the fact that the amount in question was handed over to the petitioner at the behest of the principal and it was the Principal who had assured the informant for admission of his daughter and not the petitioner and also that the petitioner had issued a cheque in favour of the complainant under direction of the principal for which only a case under the relevant provisions of N.I. Act can be made out as against the petitioner, I am satisfied that the petitioner has a *prima facie* case. The petitioner is languishing in jail custody since 23.05.2015, and on similar allegation made against the petitioner in Complaint Case No. 485(c) of 2007 by one Hira Lal Suri, the petitioner has been granted the privilege of regular bail in

Criminal Miscellaneous No. 43212 of 2015 vide order dated 18.09.2015. As such it is directed that let the petitioner above named, be released on bail on furnishing bail bonds of Rs. 10,000 (Rs. Ten Thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate 1st Class, Danapur in connection with Complaint Case No. 695(c) of 2007.

(Anjana Mishra, J)

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