

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49462 of 2016

Arising Out of PS.Case No. -248 Year- 2016 Thana -BEUR District- PATNA

=====

Anil Sulabh, Son of Late Baidnath Jha, Resident of Mohalla Maha Laxmi
Bhawan, P.S. Colony, P.S. Kankarbagh, District Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Sarvan Kumar

For the Opposite Party/s : Mr. Smt. Anusuiya Jaiswal

=====

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

9 08-03-2017 Heard learned counsel for the petitioner and learned APP
appearing on behalf of the State.

Petitioner already in custody in connection with Beur P.S.
Case No.248 of 2016 is an accused in a case registered under Sections
420, 406, 467, 468, 471 and 120B/34 of the Indian Penal Code.

Allegation in brief is that the informant was admitted in
the Bachelor in Opthal for the session 2014-18 in the institute run by
the petitioner. It is further alleged that neither registration was done of
the students nor examination is being conducted for the last three years.
Further allegation is that at the admission stage for the first year,
Rs.83000/- as fee was taken by the petitioner but receipt of only
Rs.40,000/- was given to him and this course is being run without any
Regulation.

Submission on behalf of the petitioner is that the institute
is recognized by the Department of Health, Government of Bihar and



affiliated with Magadh University and some of the candidates have appeared in the examination but this informant has not appeared and he has filed a writ application before this Court for holding the examination.

However, it appears from paragraph-44 of the case diary that the institute has got no Regulation and, therefore, examination is not being conducted and in the bail petition, the ground taken by the petitioner is that it is the responsibility of the University to take the examination and not of the institution. Moreover, investigation of the case is still continuing though the investigating agency has submitted charge-sheet against the petitioner.

Since investigation of the case still remains to be completed, so at this stage, this Court is not inclined to admit the petitioner on bail so prayer for bail of the petitioner is rejected in connection with Beur P.S. Case No.248 of 2016, pending before the learned Judicial Magistrate, 1st Class, Patna.

The petitioner may however, renew his prayer for bail after framing of charge by the trial court.

(Arun Kumar, J.)

S.Kumar/-

U		T	
---	--	---	--

