

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13166 of 2017

Arising Out of PS.Case No. -786 Year- 2015 Thana -NAWADA District- NAWADA

- =====
1. Rakesh Ranjan, son of Late Mahadeo Bhakta, Resident of village Parahiya, P.S. Saraiya, District-Muzaffapur.
 2. Rohit Kumar, son of Upendra narayan, Resident of village-Basantpur, P.S. Paroo, District-Muzaffapur.
 3. Smt. Ranju Ranjan, Wife of Ravinder Kumar, Resident of village Basauli, P.S. Kurhani, District-Muzaffapur.
 4. Tausif Alam, son of Md. Kalam, resident of village Premi Chapra, P.s. Kanti, District-Muzaffapur.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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with

Criminal Miscellaneous No.18317 of 2017

Arising Out of PS.Case No. -786 Year- 2015 Thana -NAWADA District- NAWADA

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Alok Kumar, S/o Late Anjani Kumar, resident of Mohalla- Braj Bihari Gali, Road No. 6, P.S.- Brahampura, District- Muzaffapur.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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with

Criminal Miscellaneous No.14018 of 2017

Arising Out of PS.Case No. -786 Year- 2015 Thana -NAWADA District- NAWADA

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1. Abhishek Kumar, Son of Sri Shambhu Nath Pandey, resident of Village- Koiriya Nijamat, P.S.- Paru, District- Muzaffapur.
 2. Suraj Kumar, Son of Sri Janardan Singh, resident of Village- Attardih, P.S.- Mushari, District- Muzaffapur.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

(In Cr.Misc. No.13166 of 2017)

For the Petitioner/s : Mr. Ramesh Kumar Choudhary, Adv.

For the Opposite Party/s : Smt Pushpa Sinha, A.P.P.

For the EOU : Mr. V.N.P. Sinha, Sr. Adv.

(In Cr.Misc. No.18317 of 2017)

For the Petitioner/s : Mr. Krishna Singh, Sr. Adv.

For the Opposite Party/s : Mr. Sri Prem Kumar Jha

For the EOU : Mr. V.N.P. Sinha, Sr. Adv



(In Cr.Misc. No.14018 of 2017)

For the Petitioner/s : Mr. Girish Chandra Jha

For the Opposite Party/s : Mr. Sri Manish Kumar 2

For the EOU : Mr. V.N.P. Sinha, Sr. Adv

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**
ORAL ORDER

14 11-09-2017 The aforesaid three applications arise out of Nawada Town P.S. Case No. 786 of 2015, registered under Sections 409, 420, 467, 468 and 471 of the Indian Penal Code. Therefore, the aforesaid applications have been heard together and are being disposed of by this common order.

Heard leaned counsel for the petitioners, learned counsel appearing on behalf of EOU and the leaned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Nawada Town P.S. Case No. 786 of 2015, registered under Sections 409, 420, 467, 468 and 471 of the Indian Penal Code, pending in the court of the Chief Judicial Magistrate, Nawada.

The accusation is that Post-Matric Scholarship of Scheduled caste and Scheduled Tribes students was sent by the office of Director Welfare Nawada to five institutions i.e. Door Business School, Jeevangardh, Dehradoon, Great Value Instituted of Technology, Rajbala Road, Selakoi, Dehradoon, Sri Krishna College of Engineering, Line Jeevangardh, Bikash Nagar,



Dehradoon, Gayan Sarobar Institute of Technology, Telpura, Selakoi, Dehradoon and Gurunanak Group of Institute, Central Hope Town, Raja Road, Dehradoon. In course of enquiry, all the said five institutes were found fake. It was also detected that one Alok Kumar, partner of the five institutes, transferred amount of Rs. 13,50,000/-, Rs. 6,94,000/-, Rs. 8,00,000/- and Rs. 15,80,000/- in the account of Rakesh Ranjan, Rohit Kumar, Smt. Ranju Ranjan and Tausif Alam (Petitioners of Criminal Miscellaneous No. 13166 of 2017). He also transferred Rs. 3,33,000/- and Rs. 6,00,000/- to the account of Abhisekh Kumar and Suraj Kumar (Petitioners of Criminal Miscellaneous No. 14018 of 2017).

Learned counsel appearing on behalf of petitioners of Criminal Miscellaneous No. 13166 of 2017 submits that, in fact, petitioner Rakesh Ranjan agreed to execute the sale deed to Alok Kumar, accordingly, Rs. 13,50,000/-, Rs. 6,94,000/-, Rs. 8,00,000/- and Rs. 15,80,000/- were deposited in the account of Rakesh Ranjan, Rohit Kumar, Smt. Ranju Ranjan and Tausif Alam by petitioner Alok Kumar and thereafter agreement to sale was executed on 11.07.2015. But when petitioner Rakesh Ranjan came to know the aforesaid amount was transferred by petitioner Alok Kumar from the account of institutions then he handed over



the said amount in cash and petitioner Alok Kumar also put his signature on agreement to sale regarding receiving the said money. Learned counsel appearing on behalf of petitioner Abhishek Kumar and Suraj Kumar of Criminal Miscellaneous No. 14018 of 2017 submits that both the petitioners are supplier of the scientific instruments and they supplied the scientific instruments to the colleges, whose names have been detailed in the F.I.R. due to that reasons Rs. 333000/- and Rs. 600000/- were transferred in their accounts. Learned counsel appearing on behalf of petitioner Alok Kumar of Criminal Miscellaneous No. 18317 of 2017 submits that since the petitioner was the Principal of Door Business School, Jeevangarh, Dehradun, due to that reason, he has falsely been implicated in this case.

Learned counsel appearing on behalf of Economic Offices Unit submits that while learned counsel appearing on behalf of Criminal Miscellaneous No. 13166 of 2017 submitted that after knowing about the transfer of amounts by petitioner Alok Kumar to the account of schools the petitioners as consideration money for purchasing the land as detailed in agreement to sale he returned the money, but agreement to sale Annexure-2 to the petition shows that date of agreement to sale and return of the money is same i.e. 11.07.2015. As such



agreement to sale dated 11.07.2015 has been got prepared to save the skin to the present case.

Having considered the facts and circumstances of the case and the nature of allegation against the petitioners, I am not inclined to grant anticipatory bail to the petitioners. Accordingly, their prayer for grant of anticipatory bail stands rejected.

(Rajendra Kumar Mishra, J)

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