

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7881 of 2017

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

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Ashish Prakash Son of Jai Prakash Yadav, Resident of Muhalla- Professor Colony, Ward No. 4, Western side of P.O.- College Madhepura, P.S.- Madhepura, District- Madhepura.

.... Petitioner

Versus

1. The State of Bihar through the Director General of Police, Bihar, Patna.
2. Vijay Kumar Singh, son of Late Gopi Nath Singh, Resident of Village- Gouhar, P.S.- Rasalpur (Kahalgaon), District- Bhagalpur.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Gajendra Pratap Singh, Advocate.
For the Opposite Parties : Mr. Gauri Shankar Gupta, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 22-03-2017 Heard both sides.

The petitioner apprehends his arrest in Complaint Case No. 540 of 2007, registered for the offences punishable under Section 406 of the Indian Penal Code.

The gist of the allegation is that the petitioner and 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 the petitioner 30032974520 but the son of the complainant was not admitted in the engineering college. On demand the petitioner did not return the money.



Learned counsel for the petitioner submits that prayer for anticipatory bail of the petitioner was earlier rejected vide order dated 07.12.2016 passed in Cr. Misc. No. 41882 of 2016, but again the petitioner filed this anticipatory bail petition on the ground that the petitioner is ready to deposit any amount fixed by the court and not total amount in the court below and the amount so deposited shall be withdrawn by either party on the basis of the result of the case, but from perusal of the records it appears that after considering all the submissions of learned counsel for the petitioner, prayer for anticipatory bail was earlier rejected.

On 07.12.2016, the petitioner made submission that only Rs. 95,000/- was deposited in his account which was withdrawn by son of the complainant, as son of the complainant also living in Pune, but it appears that it was the petitioner who got the amount deposited in his account and could not be able to get son of the complainant admitted in any college.

Considering the facts aforesaid, I do not find any fresh ground to reconsider the prayer for anticipatory bail of the petitioner. Accordingly, the prayer for anticipatory bail is again rejected.

(Prabhat Kumar Jha, J.)

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