

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42879 of 2013

Arising Out of PS.Case No. -3325 Year- 2008 Thana -PATNA COMPLAINT CASE District-
PATNA

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Deepak Kumar, Son of Late Lalan Prasad Singh, Resident of Mohalla- F-647 (P.P.Colony), Malahi Pakri, P.S.- Kankarbagh, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Sri Bhagwat Priya, S/O Satya Narayan Singh.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jay Kumar

For the Opposite Party/s : Mr. Anand Kishore Choudhary (APP)

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

4 13-12-2017 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Complaint Case No. 3325(C) of 2008 registered under Sections 406 and 420 of the Indian Penal Code.

The accusation is that complainant-opposite party no. 2, after passing the Intermediate Examination appeared in the medical entrance test of Dy. D. Y. Patil Medical College, Mumbai in 2006-07, but he could not be selected in the merit list. Thereafter, complainant-opposite party no.2 came at Patna for preparation and in that course he came in touch with the petitioner, who assured to take admission of complainant-opposite party no. 2



on payment of Rs.23,00,000/- and Rs.3,25,000/- as donation and fee of Dr. D. Y Patil Medical College. Accordingly, complainant's father gave Rs.11,00,000/- on 27.07.2007 to the petitioner and Rs.12,00,000/- in cash on 08.08.2007 and Rs.3,25,000/- was deposited in the account of petitioner on 10.08.2007. In spite of that petitioner could not manage to get admission of the complainant-opposite party no. 2 in Dr. D. Y. Patil Medical College. On repeated requested by complainant-opposite party no. 2, the petitioner handed over the cheque of Rs.26,00,000/-, which was dishonored due to insufficient of money in the account.

Learned counsel for the petitioner submits that, in fact, in the mediation of petitioner, cheque of Rs.11,00,000/-, Rs.12,00,000/- and Rs.3,25,000/- were issued by the complainant-opposite party no.2 in the name of Dr. D.Y. Patil University, which would appear from annexure 3 to the application, but opposite party no. 2 could not succeed in taking the admission in the medical college and the said cheques were not credited in the account of Dy. D. Y. Patil University and at that time, this petitioner being the mediator had issued the cheque of Rs.26,00,000/- as security but while the complainant-opposite party no. 2 received the three cheques as issued to the Dr. D. Y. Patil University, but with ulterior motive the present case has been



lodged with false allegation.

Having regard to the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate Ist Class, Patna, in connection with Complaint Case No. 3325(C) of 2008, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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