

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63516 of 2017

Arising Out of PS.Case No. -52 Year- 2017 Thana -SHRIKRISHNAPURI District- PATNA

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1. Amit Kumar S/o Nilambar Pandey @ Nilambar Prasad Pandey @
Nilamber Pd. Pandey, R/o Jay Prakash Nagar, Road No.3, Kolhua
Paigambarpur, P.S.- Ahiyapur, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Milind Kumar Mishra

For the Opposite Party/s : Mr. Sri Arun Kumar Singh -5

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 08-02-2018 Heard the learned counsel for the petitioner and the

learned A.P.P. for the State.

This is an application for grant of anticipatory bail

in connection with Sri Krishnapuri PS case no. 52 of 2017

registered for the offences punishable under Sections 420, 406 of

Indian Penal Code.

The brief case of the prosecution is that the daughter

of the informant wanted to take admission in M.B.B.S. and for the

said purpose, the informant had contacted the petitioner and two

other co-accused persons who are said to be the authorized agents

of NIMS University, Jaipur (Rajasthan). It is the further allegation

of the informant that the accused persons took a sum of Rs. 3 lacs

in cash and a cheque of Rs. 3 lacs whereafter, they showed their



inability to get the daughter of the informant admitted in the said college. Upon the informant making demand for his money, co-accused persons are said to have given two cheques (one in original and the other cheque is photocopy) totaling to a sum of Rs. 6 lacs, however one of the said cheques got dishonoured on account of insufficient fund.

The learned counsel for the petitioner submits that as far as the petitioner herein is concerned, there is no allegation of any transaction in between the petitioner and the informant. Moreover, the aforesaid two cheques are said to have been returned back to the informant which do not bear the signature of the petitioner and the fact is that the two other accused persons are infact solely responsible for cheating the informant.

Per contra, the learned counsel for the informant has submitted that the petitioner was instrumental in defrauding the informant and the photo copy of the second cheque was sent by him on WhatsApp to the informant in order to ensure that the informant's money would be repaid, hence he submits that the petitioner does not deserve the privilege of anticipatory bail.

Having regards to the facts and circumstances of the case, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail. Accordingly, the abovenamed



petitioner, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, Patna in connection with Sri Krishnapuri PS case no. 52 of 2017 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

It is made clear that the grant of the present bail to the petitioner would not be construed to be a precedent for the purpose of granting bail to the other two accused persons and the case of the said two accused persons shall be decided on its own merits.

(Mohit Kumar Shah, J)

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