

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.929 of 2018

Arising Out of PS. Case No.-593 Year-2017 Thana- KOTWALI District- Patna

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1. Radha Sinha @ Radha, W/o Sri Ganpat Mandal,
 2. Chaynika Chitrak, D/o Dr. Ganpat Mandal.
 3. Dr. Ganpat Mandal @ Ganpat Mandal S/o Late Kapoori Mandal,
All are R/o Flat No.306, Surya Laxmi Enclave beside Rupaspur
Thana, Priyadarshi Nagar, P.S.- Rupaspur, Baley Road, Patna-
801503.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra

For the Opposite Party/s : Mr. Mukeshwar Dayal

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 08-02-2018 Heard learned counsel for the petitioners and learned APP
for the State.

Petitioners apprehend their arrest in Kotwali P.S. case no.
593 of 2017 instituted for the offence under Section(s) 417,
418,419, 420, 467, 468, 471 and 120B of the Indian Penal
Code.

It is alleged in the written report that petitioner no.2,
namely Chaynika Chitrak contacted the informant's son and
advised him that if he is willing to get admission in the
Medical college he may contact her. Thereafter, the informant
contacted the father of the petitioner no.2, namely, Dr. Ganpat
Mandal who is petitioner no.3, who disclosed her that for



getting admission in Medical college Kolkata, the informant will have to spend Rs. 35.50 lacs. Petitioner no.3 further disclosed that his close persons, namely, Shubashis Pati, Baibhav, Amit Mitra, Roushan Kashyap and others are instrumental in getting admission in the said medical college. Subsequently, the informant became ready to pay the said amount for admission and on 03.08.2017 an amount of Rs. 10 lacs through cheque was deposited in the account number provided by Dr. Ganpat Mandal. Thereafter, the informant paid money on different accounts as per the advise of petitioner no.3. In total, the informant made payment of Rs. 30.50 lacs in the name of admission of her son. It is further submitted that petitioner no.3 (Dr. Ganpat Mandal) also provided papers relating to admission in the hostel to the informant. Later on, some doubt emerged in the mind of the informant regarding the authenticity of the admission and document related thereto, which was found fake in course of enquiry from the said college. It is further alleged that petitioner no.1 and other accused persons have also cheated one Smt. Sima Prasad, Rekha Gupta, Sri Kamlesh Kumar Singh and Smt. Vinita Paswan as mentioned in detail in the written report.

Learned counsel for the petitioners has submitted that, in



fact, no money was received in their accounts. The vague allegation has been levelled against them.

Learned counsel for the informant has appeared and referred to paragraph nos. 44 and 45 of the case diary wherein it has been specifically mentioned that money has been transferred in the joint account of petitioner nos.1 and 3 on various dates total amounting to Rs. 28 lacs. The investigation is still going on in this case

From the entire allegation made in the written report, it appears that the petitioner nos. 1 and 3 have cheated the informant and several other persons in the name of getting admission of their ward(s) in medical college and, in all, they have misappropriated huge amounts in this manner. Therefore, this Court is not inclined to grant them anticipatory bail.

Prayer for anticipatory bail made on behalf of the petitioner nos.1 and 3, namely, Radha Sinha @ Radha and Dr. Ganpat Mandal @ Ganpat Mandal is rejected.

So far as the allegation attributed against petitioner no.2, namely, Chaynika Chitrak is concerned, there is no specific allegation against her except that she introduced the son of the informant with her father

In the facts and circumstances of the case, prayer of the



petitioner No.2 for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner no.2,namely Chaynika Chitrak, within six weeks from today in connection with Kotwali P.S. case no. 593 of 2017,she shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Patna , subject to the conditions as laid down under Section 438(2) Cr. P.C. with further conditions:(1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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