

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.72678 of 2018

Arising Out of PS. Case No.-164 Year-2018 Thana- BIHTA District- Patna

-
1. Argha Nand Sharma, Son of Late Sarbanand Sharma, Resident of Village Samasthu Asthan, Bihta, P.S. Bihta, District- Patna.
 2. Lallan Prasad, Son of Late Jhagru Singh, Resident of Village Mohanpur Doghra, presently at Chandra Deo Prasad Verma College, Simri, P.S. Bihta, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sada Nand Roy
For the Opposite Party/s : Mr.Sri Ram Sevak Choudhary

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 20-12-2018 Mr. Vikramdeo Singh, learned counsel for the

petitioner seeks permission to withdraw the petition with

respect to petitioner no. 2 as it has become infructuous with

his arrest.

The prayer is allowed.

The application with respect to the petitioner no. 2

is dismissed as having become infructuous.

The petitioner no. 1 seeks bail in anticipation of his

arrest in connection with Bihta P. S. Case No. 164 of 2018



dated 19.02.2018 instituted for the offences under Sections 420, 409 and 34 of the Indian Penal Code.

The subject F.I.R. has been registered by a police officer alleging that despite one Ramesh Prasad Verma having been appointed as the Principal of the college in question, the petitioner no. 1 did not hand over the charge and forcibly accepted the fee of about 1259 students for B.A. Part-II examination, which was to be held in the year 2017. As a result of the aforesaid unauthorized admission of the students, a huge amount of money was made to be deposited by unsuspecting students. Those students could not thereafter appear in the examination because the university in question did not grant affiliation to the college for the year 2017.

Mr. Vikramdeo Singh, learned advocate appearing for the petitioner has pointed out that because of this, there were two other F.I.R.s instituted against the petitioner and others about which reference has been made in paragraph 3 of the petition.

In the aforesaid two cases which have been lodged



by the students but which pertain to the admission of those students for the year 2017 for which ultimately affiliation from the university was not given, the petitioner has been granted anticipatory bail by a Bench of this Court.

It has further been submitted that the amount so deposited is still lying with the college and there is no allegation whatsoever of the amount so collected from the students to have been pocketed or embezzled by the petitioner.

Learned counsel for the petitioner further submits that assuming every allegation in the F.I.R. to ex facie true, no offence under Section 409 of the I.P.C. can at all be said to have been made out.

Considering the aforesaid facts, the petitioner no. 1, above-named, is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned



Additional Chief Judicial Magistrate, Danapur in connection
with Bihta P. S. Case No. 164 of 2018, subject to the
conditions as laid down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

skm/-

U			
---	--	--	--

