

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50029 of 2017

Arising Out of PS.Case No. -3568 Year- 2009 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Suresh Singh Bhadoria, son of late Narendra Singh Bhadoria, Chairman, Index Medical College Hospital & Research Center, Gram-Kundal, Post- Bavliya Khurd, P.S.- Nemwar Road, Indore (MP) &
 2. Dr. Pawan Bhambani, son of Jagdish Bhambani, Director, Index Medical College Hospital & Research Center, Gram-Kundal, Post- Bavliya Khurd, P.S.- Nemwar Road, Indore (MP)

.... Petitioner/s

Versus

1. The State of Bihar &
2. Abhishek Kumar, son of Radhey Singh, resident Kosut Bawan, South Chtragupta Nagar, Kankarbagh, P.S.-Patrakar Nagar, Patna-20.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate

For the Opposite Party/s : Mr. Parmanand Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

7/ 08-02-2018

Heard learned counsel for the petitioners and learned

APP for the State.

Petitioners apprehend their arrest in **Complaint Case No.3568 of 2009** instituted for the offence under Section(s) 406 read with 120-B Indian Penal Code and Section 138 of the Negotiable Instruments Act.

Counsel for the petitioner has submitted that notice was issued to the Opposite Party No.2, but he has not appeared.

Allegation has been made by the Complainant that he passed DMAT Examination in 2008 and got admission in Index Medical College Hospital & Research Centre, Indore after



depositing Rs.4,05,500/- as admission fee. Thereafter, his admission was cancelled against which the Complainant filed writ petition in the Jabalpur High Court vide Writ No.258 of 2009 and the Hon'ble Court by order dated 15.05.2009 directed the College to get the admission of the Complainant, but in spite of direction of Hon'ble Court the college refused admission. Accused persons issued cheque amounting to Rs.3,16,500/- drawn on HDFC Bank, which the Complainant deposited and the same was dishonoured.

Counsel for the petitioners has submitted that against the order dated 15.05.2009 of the Jabalpur High Court, the Medical College moved the Hon'ble Supreme Court and the Hon'ble Supreme Court passed the order directing the College to refund admission fee Rs.3,16,000/- and Rs.20,000/- as compensation by order dated 14th September, 2010, passed in Civil Appeal No.8019-822 of 2010 (Annexure-3). The petitioner in compliance of the aforesaid order of the Hon'ble Supreme Court has paid Rs.3,36,000/- to the Complainant by cheque, which has already been received by him (Annexure-4), as will appear from the Bank's statement annexed as Annexure-6.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the



event of surrender/arrest of the petitioners, named above, within six weeks from today in connection with **Complaint Case No.3568 of 2009**, they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the **Judicial Magistrate, 1st class, 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) petitioners 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 petitioners and (3) if petitioners 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 petitioners.

(Sanjay Priya, J)

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