

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56105 of 2018

Arising Out of PS. Case No.-178 Year-2018 Thana- MITHANPURA District- Muzaffarpur

Nandeshwar Prasad Singh Nanda @ N. P. S. Nandan Son of Late Binda Prasad Sinha @ Binda Prasad Singh, resident of Mohalla- Uma Market, Motijheel, Police Station- Town, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh

For the Opposite Party/s : Mr. Sri Manoj Kumar - 1

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 10-12-2018 Heard the learned counsel for the petitioner and the State.

The petitioner seeks bail in anticipation of his arrest in connection with Mithanpura P.S. Case No. 178 of 2018 dated 29.05.2018 instituted for the offences under Sections 420, 467 and 468 of the Indian Penal Code.

The petitioner who is the Director of Vaishali Institute of Management, Sherpur, Muzaffarpur which is affiliated to Bihar University has been alleged to have accepted huge amounts from students for MBA in the name of fee for the Sessions 2016-18 but neither the classes have been held in the aforesaid Institute nor any examination has been held.

Learned counsel for the petitioner has



submitted that there is no dispute with respect to the fact that the Institute of which the petitioner is the Director has been affiliated with Bihar University. In support of which contention, he has drawn the attention of this Court to Annexure- 2 and 3 series. Permanent affiliation has not yet been granted to the Institute but the decision is pending at the University level. For the aforesaid, the petitioner in his capacity as Director of Institute cannot be faulted with. The statement made in the FIR regarding other students also having paid that amount but no classes being held is incorrect and the details of the classes also have been provided in the bail petition.

Learned counsel for the petitioner has further submitted that the date for examination was announced but the same was postponed. This has annoyed many of the students enrolled with the Institute and one of them, the informant, has chosen to file this case.

Assuming every allegation in the FIR to be true, no offence under Sections 420, 467 and 468 of the Indian Penal Code can at all be said to have been made out.

The petitioner has further submitted that now after the announcement of the date for Sessions 2016-18, examination also has been held in which the



students enrolled with the Institute have participated.

Considering the aforesaid facts, the petitioner 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) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Muzaffarpur in connection with Mithanpura P.S. Case No. 178 of 2018, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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