

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4107 of 2019

Arising Out of PS. Case No.-1190 Year-2013 Thana- MADHEPURA COMPALINT CASE
District- Madhepura

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1. Bidyanand Yadav (Sex Male aged about 60 years), son of Late Shiblal Yadav, Resident of Ward No. 3, Madhepura, Police Station- Madhepura, District- Madhepura.
 2. Mahendra Yadav (sex-Male, aged about 58 years), son of Late Shyam Lal Yadav Resident of Village- Bhirkhi, Ward No. 25, Sukhashan Road, Police Station- Madhepura, District- Madhepura.
 3. Digambar Yadav (sex- Male aged about 58 years), son of Late Bindeshwari Prasad Mandal Resident of Village- Jaypalpatti, Ward No. 26, Police Station- Madhepura, District- Madhepura.
 4. Deo Kishor Das (Sex Male aged about 57 years), son of Late Bideshi Das, Resident of Village- Majhoul Tapra, Police Station- Kumarkhand, District- Madhepura.

... .. Petitioners

Versus

1. The State of Bihar
2. Sharangdhar Prasad Yadav son of Late Nagendra Prasad Yadav Resident of Ward No. 1, Madhepura, Police Station- Madhepura, District- Madhepura.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad
For the Opposite Party/s : Mr.Uday Pratap Singh

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 11-02-2019 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners are seeking anticipatory bail in
connection with Complaint Case No. 1190 of 2013 registered
under Sections 406, 420, 120B of the Indian Penal Code.



Learned counsel for the petitioners submits that these petitioners happened to be the lecturers in the college in question. The F.I.R. was lodged at the instance of one Sharangdhar Prasad Yadav who also happened to be the lecturer in the same college. The allegation is that the accused no. 1, Sri Kant Yadav, who happened to be the Principal Incharge of the college, was acting in connivance with these petitioners in the matter of admission of students for the academic session 2008-2010. It is alleged that he had admitted 337 students in Class-XI more than the sanctioned strength of the college and had realized Rs. 2000/- from each of the students.

Learned counsel for the petitioners submits that after investigation police did not find any material to proceed against these accused persons, hence a final form was submitted in the court below, but informant filed a protest petition which was treated as complaint case, and, then cognizance has been taken in this regard. These petitioners have been summoned to face trial.

Learned counsel further submits that the accounts of the college was operated in single name by the Principal Incharge of the college who was made accused no.1 in the present case. He has already been granted anticipatory bail by



learned coordinate Bench of this court in Cr. Misc. No. 30642/2018 on 30.08.2018, a copy of the order is enclosed as Annexure-4 to the present application. It appears that in the said case despite service of notice on opposite party no. 2, no one had appeared to oppose the application.

Learned A.P.P. for the State is present and has opposed the prayer for anticipatory bail of the petitioners, but finding the facts and circumstances whereunder police did not find any material to proceed against the petitioners and then after cognizance on protest the accused no.1 who happened the Incharge Principal of the college has been granted privilege of anticipatory bail by learned coordinate Bench of this court, this court is willing to grant privilege of anticipatory bail to these petitioners.

In the facts and circumstances of the case, in the event of their arrest/surrender before the court below within a period of four weeks, let the above-named petitioners be enlarged on bail furnishing bail bond of Rs. 15,000/- (Rupees Fifteen Thousand only) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate- IV, Madhepura, in connection with Complaint Case No. 1190 of 2013, subject to condition that petitioner shall join



investigation by reporting to the Investigating Officer within a period of two weeks from today and shall cooperate in course of investigation, failing which the Investigating Officer shall be at liberty to take steps for cancellation of bail. This will be in addition to condition prescribed under Section 438(2) of the Code of Criminal Procedure.

(Rajeev Ranjan Prasad, J)

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