

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6371 of 2019

Arising Out of PS. Case No.-325 Year-2018 Thana- BAHADURPUR District- Patna

BHUPESH KUMAR, son of Shailanath Lal Deo, at present resident of Rajendra Nagar, P.S.- Bahadurpur, District- Patna, Birth Place Bheluchak Katrahiya, P.S.-Darbhanga, District - Darbhanga

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Satyendra Narayan Singh

For the Opposite Party/s : Mr.Ajit Kumar

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 05-04-2019 Petitioner seeks bail in anticipation of his arrest in connection with Bahadurpur P.S. Case No. 325 of 2018, registered for the offences punishable under Sections 419, 420, 467, 468, 471 and 120B of the Indian Penal Code.

Allegation against the petitioner is that defalcated crores of rupees by inducing the parents of the students to deposit Rs.5 lacs under a Scheme for the study of their wards till 10th Class examination and the same amount of Rs.5 lacs will be returned to the students after passing of the 10th Class Examination and later on the school was closed and the money was not returned. Further it appears that the petitioner is accused in four other cases.

Submission of learned counsel for the petitioner is that the informant has no locus standi to file this case as he is not an affected member, rather he was a member of the Society and he has been



ousted from the Society and being aggrieved by the same the present case has been filed. Further submission is that as per the agreement any case has to be lodged at Dehradun and there is no territorial jurisdiction of institution of the aforesaid case in Patna jurisdiction and as such the very initiation of this case is itself against the provisions of the agreement.

Heard learned APP, who has opposed the prayer for anticipatory bail of the petitioner on the ground that the case was investigated by the police and in paragraphs 10, 21, 22, 28, 29 and 31 of the case diary several parents have come forward stating that in the name of education money, amount was taken from them and not return and after investigation charge sheet has already been submitted.

Heard learned counsel for the informant, who has opposed the prayer for anticipatory bail of the petitioner on the ground that charge sheet has been submitted in this case and the petitioner was a member of the Society and the informant, who was once a member of Bhupesh Kumar Shikshan Evam Vikash Sansthan, a co-operative Society, has apprehension of his implication in this case and as such he has lodged the present case and the petitioner being Chairman of the Society has defrauded the students and their parents by taking Rs.5 lacs in the name of the Scheme regarding admissions in Lucent International School and in this connection an FIR has also been registered at Prem Nagar Police Station and the petitioner has



criminal antecedents.

Having heard the parties and in view of the fact that the informant does not appear to be an aggrieved party. However, during investigation several parents have come forward and supported the prosecution case and further the petitioner is accused in other cases also, I am not inclined to grant privilege of anticipatory bail, rather petitioner to surrender and make prayer for regular bail, which shall be considered on its own merit, without being prejudiced by this order. Provisional bail earlier granted to the petitioner vide order dated 11.2.2019 stood withdrawn.

With the above observation, this application is dismissed.

(Vinod Kumar Sinha, J)

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