

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46785 of 2019

Arising Out of PS. Case No.-74 Year-2019 Thana- PHULWARIYA District- Gopalganj

1. Rahul Kumar Kuwar Son of Vinod Kumar Kuwar, Resident of Village - Harihara, P.S.- Phulwaria, District- Gopalganj
2. Vinod Kumar Kuwar @ Vinod Kuwar Son of Sri Raghunath Kuwar, Resident of Village- Harihara, P.S.- Phulwaria, District- Gopalganj

... .. Petitioners

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Mishra, Advocate

For the Opposite Party/s : Mr.Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

6 02-12-2019 Heard learned counsel for the petitioners and learned counsel representing the informant who has appeared on notice.

Petitioners in the present case are seeking anticipatory bail in connection with Phulwaria P.S. Case No. 74 of 2019 registered for the offences punishable under Sections 406, 420, 467 and 468 of the Indian Penal Code.

It is the case of the petitioners that petitioner no. 1 being a qualified doctor had been approached by the informant for getting admitted his daughter in a Medical College at Russia. Petitioner no. 1 submits that in terms of the understanding raised between the parties a sum of Rs. 2,00,000/- was transferred in his account and thereafter the daughter of the informant was admitted in a Medical College at Russia.

Learned counsel for the informant, however, submits



that beside a sum of Rs. 2,00,000/- paid to petitioner no. 1, a sum of Rs. 4,00,000/- had been handed over to the petitioner no. 2 in cash. Petitioner no. 2 is father of petitioner no. 1. It is his case that the payments were made for arranging admission of the daughter of the informant at Kajakishtan but the petitioner could arrange the admission and later on the informant had to again spend towards the admission of his daughter at Russia. Learned counsel for the informant submits that the informant is in possession of the proof that the payments made at Russia were made by the informant from his own resources. It is submitted that the petitioners have, therefore, not fulfilled their promise and now they are not returning the money.

Considering the facts and circumstances of the case, wherein it is an admitted case of the informant that he had approached the petitioner no. 1 for getting admission of his daughter in a Medical College and thereafter he had paid the amount which is being disputed by the petitioners and the petitioners have come with a case that the daughter of the informant was admitted at Russia from the money paid to the petitioner no. 1 and that no money was paid to the petitioner no. 2, this Court is of the considered opinion that in the nature of the allegations which are more towards recovery of money, let the



petitioners above named in the event of their arrest or surrender within a period of four weeks from today be enlarged on bail on furnishing bail bonds of Rs. 15,000/- (fifteen thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XIII, Gopalganj in connection with Phulwaria P.S. Case No. 74 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

vats/ved

U		T	
---	--	---	--

