

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54653 of 2019

Arising Out of PS. Case No.-105 Year-2016 Thana- ISHAKCHAK District- Bhagalpur

Neelam Saini W/o Amit Saini R/o- 240, Near Roorkee Public School,
Barampur, P.S.- Civil Line Roorkee, District- Haridwar (Uttarakhand)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajendra Narayan, Sr. Advocate Mr. Bishwajeet Singh Mr. Kundan Kumar Singh
For the Opposite Party/s :		Mr.Mohammed Arif

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 30-08-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends her arrest in connection with
Ishakchak (Tilkamanjhi) P.S. Case No.105 of 2016 for the
offence punishable under Sections 406, 419, 467, 468, 471,
120B and 34 of the Indian Penal Code.

The allegation against the petitioner is that informant
has consultancy in the name of P.R.M. Education Pvt. Ltd. In
course of his work, he came in contact with accused persons
through advertisement. Accused, Vipul Kumar, told him that he
would facilitate admission for B.Ed. Course in Asha Academy
which was supported by other accused. It has further been
alleged that informant provided altogether 74 applicants who



deposited course fees for Session 2014-15 and was paid a sum of Rs.42,30,000/- to accused through his bank account and further paid Rs.3,74,000/- in cash to accused Vipul Kumar. The allegation against the petitioner is that the petitioner and others issued signed I.D. in the name of students.

Mr. Rajendra Narain, learned senior counsel appearing for the petitioner submits that petitioner has unnecessarily been dragged in this case inasmuch as, as per the complaint itself, the informant entered into agreement dated 31.05.2015, 01.12.2015 and 10.01.2016 with the co-accused Vipul Kumar and whatever amount was transferred by the informant was transferred in the name of Vipul Kumar and not this petitioner. Learned senior counsel further submits that the petitioner in fact was a teacher appointed in Asha Academy in January, 2016 and resigned from Asha Academy in March, 2016, and subsequently got a government job. Learned senior counsel thus submits that she was not in the helm of affairs of the Asha Academy and was not its director or trustee etc.

Learned senior counsel further submits that the co-accused against whom there is specific allegation of having received the amount deposited by the informant, Vipul Kumar, has been granted anticipatory bail by this Court in Cr. Misc.



No.13681 of 2019.

On the other hand, Mr. Dharveer, learned counsel appearing for Opposite Party No.2 vehemently opposes the prayer for anticipatory bail and submits that petitioner connived with the main accused Vipul Kumar, who was indulged in misappropriating and defalcating the money deposited by the informant. Learned counsel further submits that in every meeting between the said, Vipul Kumar and informant, the petitioner used to be there.

After having heard learned counsel for the petitioner as well as learned counsel appearing on behalf of the State and taking into consideration the fact that upon perusal of First Information Report, no specific allegation of receipt of the amount in question has been levelled against the petitioner and the petitioner was only working as a teacher in the said Academy only for three months and further the main accused, Vipul Kumar, has been granted anticipatory bail by this court, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, the petitioner, above named, is directed to surrender before the learned Court below within a period of four weeks from today and in the event of surrender by her, she shall be released on anticipatory bail by the Court below upon



furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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