

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77640 of 2019**

Arising Out of PS. Case No.-981 Year-2015 Thana- BUXAR COMPLAINT CASE District-
Buxar

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AMARESH YADAV Son of Late Shyam Yadav Residence of Village- Narpa,
P.S.- Bithan, District - Samastipur.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Yogesh Chandra Yadav Son of Hira Lal Yadav Resident of Village - Rehian,
P.S.- Krishanbrahm, District- Buxar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Iqbal Asif Niazi

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

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**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER**

2 02-12-2019 This application, for grant of anticipatory bail, arises

out of Complaint Case No. 981(C) of 2015, disclosing offences

under Sections 406, 420, 467, 468, 120(B)/34 of the Indian

Penal Code.

Allegation as per complaint petition is that the co-
accused, who is said to be director of Om Bio Science College,
Haridwar assured the complainant for admission of his son in
the said college on payment of admission fee of Rs. 55,000/-, on
which, the complainant deposited Rs. 20,000/- at the counter of
the college at Haridwar and he also transferred Rs. 20,000/-
into the bank account as per direction of co-accused but neither
the admission was done nor money was returned and later on it



also transpired that the college was being run on the basis of forged documents and it is alleged by the complainant that petitioner being the owner of college cheated the complainant in collusion with the co-accused.

Submission of learned counsel for the petitioner is that even according to complaint case and statement on solemn affirmation, nothing has been deposited in the bank account of the petitioner and only baseless allegation has been levelled that petitioner in collusion with accused no. 2 cheated the complainant and except that there is nothing against the petitioner and now the enquiry has been completed and, therefore, there is no chance of tampering with the evidence.

Heard learned A.P.P. also.

Having heard both sides, considering the submission, as above, this application is allowed. Let the petitioner, above named, in the event of his arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty five Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate -1st Class, Court No. 4, Buxar, in connection with Complaint Case No. 981(C) of 2015, subject to the condition laid down under Section 438 (2) of the Code of



Criminal Procedure with further subject to the condition that
petitioner shall cooperate in disposal of complaint case.

(Vinod Kumar Sinha, J)

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