

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15366 of 2020

Arising Out of PS. Case No.-477 Year-2019 Thana- DIGHA District- Patna

ROHIT KUMAR, aged about 35 years, Gender-Male, Son of Ram Babu Singh, Resident of Kamla Enclave, Flat No. 101, Sardar Patel Colony, Near Guriya Office, Kurji, P.S-Digha, District-Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr.Sanjay Kumar, Advocate.
For the State	:	Mr.Khurshid Anwar,A.P.P.
For the Informant	:	M/S. Rajesh Ranjan No. 1 and Atul Shankar, Advocates.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 05-03-2020 A Vakalatnama has been filed by learned counsel for the informant. Let it be kept on the record.

Heard learned counsel for the petitioner, learned counsel for the informant and learned counsel for the State.

The petitioner seeks bail in a case for the offence registered under Sections 420, 406, 467, 468 and 471/34 of the IPC.

The prosecution story, in brief, is that on 16.08.2019, the Principal, St. Michael's High School, Digha Ghat, Patna-11, got the present case instituted on the basis of a confidential letter sent by one Mahendra Mohan Maurya, an Advocate, alleging inter alia that Rohit Kumar (petitioner) in collusion with one Sri William cheated the complainant/victim to get



admitted his son Mukund Rao in the said School. It is further alleged that on instructions of the aforesaid two persons, on 14.03.2019 and 13.05.2019, the complainant/victim has deposited Rs. 1,62,200/- by way of NEFT in the Bank Account of the said School and Invitation Form, Student Admission Form and other documents issued by the said School, were provided to him. Further a Cheque dated 07.06.2019 for Rs. 5,00,000/- belonging to the said School issued in favour of the victim is also annexed with the complaint. However, the amount in question is stated to be deposited in the Bank Account of the said School that was also not deposited in the bank account of the said School. The cheque on which number has been mentioned, Invitation Card and other documents in question were also not issued by the said School. When the victim's son came to the School alongwith the victim, his presence was found dubious, the School Administration returned them from the School. That time, the victim had not given correct information to the School Administration. Identification of Sri William furnished by the victim was different from the identification of Sri William. The informant (Principal) further requested to enquire into the whole matter including the Bank Account Number in which the amount in question has been



transferred by the victim by way of NEFT because the so-called Bank Account No. 18950110010059 was not the account of the said School and also Mobile No. 8084361895 through which conversation was done between the victim and Sri William was also not of Sri William. The cashier of the said School has already written a letter dated 16.07.2019 for taking action against the Bank Account No. 18950110018859, UCO Bank, Digba Ghat, Patna.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 04.10.2019. The petitioner has falsely been implicated in the present case. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The main allegation is against one Mr. William. It is further submitted by learned counsel for the petitioner that the petitioner is ready to return an amount of Rs. 1,12,000/- (Rupees One Lac and Twelve Thousand) only in five instalments within a period of five months. The offer given by learned counsel for the petitioner is accepted by learned counsel for opposite party no. 2, namely, Mr. Mahendra Mohan Maurya, on whose complaint, the Principal of the said school got the present case instituted.



On behalf of the State and the informant, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, the petitioner is directed to deposit an amount of Rs. 1,12,000/- (Rupees One Lac and Twelve Thousand) only in five instalments within a period of five months in the learned court below. If such amount is deposited by the petitioner in the learned court below the same shall be released in favour of the complainant/victim, namely, Mr. Mahendra Mohan Maurya, on whose complaint, the Principal of the said school got the present case instituted. Let the above named petitioner i.e., Rohit Kumar, be released on provisional bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M. Patna, in connection with Digha P.S. Case No. 477 of 2019.

After the release on provisional bail, if the petitioner fails to comply with the undertaking given by him before this Court, the learned court below will be at liberty to cancel the bail bond of the petitioner and shall take necessary steps to ensure his production before the court below.

Further, if the petitioner complies with the undertaking given by him before this Court and makes payment



for an amount of Rs. 1,12,000/- (Rupees One Lac Twelve Thousand) only in five instalments within a period of five months, the provisional bail granted to the petitioner shall be confirmed by the learned court below itself.

(Sudhir Singh, J)

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