

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15398 of 2020

Arising Out of PS. Case No.-943 Year-2018 Thana- BIHTA District- Patna

NITISH SINGH Son of Prof. (Dr.) Madan Murari Resident of 34, Kasturba Path, North Sri Krishnapuri, P.S.- Sri Krishnapuri, Dist- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Bihar School Examination Board, Patna through its Secretary

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Niranjana Kumar, Adv.
For the Opposite Party/s : Mr. B.N.Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 24-09-2020 Heard both sides through Video Conferencing.

The petitioner apprehends his arrest in Bihta(Neura) P.S. Case No.943 of 2018 registered under Sections 406, 420, 467, 468, 471, 120B and 34 of the Indian Penal Code.

The informant alleged that Madan Murari, Nitish Singh(the petitioner) and Vishwanath Yadav are Director, Deputy Director and staff of K.S. College of Professional Education, Neura, Danapur, Patna. The informant approached to the petitioner for the purpose of admission of her daughter in D.El.Ed. for the session 2016-18 and for that she deposited Rs.1,31,500/-. It is submitted that college of the petitioner was not affiliated and, therefore, the petitioner and other accused persons cheated the informant and her daughter.



The learned counsel for the petitioner submits that college of the petitioner is recognised one. The Division Bench of this Court vide judgment dated 28.03.2019 in CWJC No.20481 of 2018 directed the Bihar School Examination Board to grant affiliation to the college of the petitioner but Bihar School Examination Board challenged the same before the Supreme Court in S.L.A.(C) No.13035 of 2019 and the same was dismissed. Thereafter, Bihar School Examination Board granted affiliation to the college of the petitioner on 29.07.2019 for academic session 2016-18. The daughter of the informant may appear in the examination. The petitioner never cheated any person. Similarly situated two persons namely, Madan Murari and Vishwanath Yadav have already been granted anticipatory bail vide order dated 08.08.2019 passed in Cr. Misc. No.35544 of 2019. The case of the petitioner stands on the same footing.

Learned A.P.P. did not dispute the fact.

Taking into consideration the facts aforesaid and nature of allegation made against the petitioner and the fact that two other accused persons similarly situated have already been granted anticipatory bail by this Court, let the petitioner, above named, in the event of his arrest or surrender within a period of



six weeks be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. I, Danapur in connection with Bihta (Neura) P.S. Case No.943 of 2018/G.R. Case No.2793 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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