

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67360 of 2019

Arising Out of PS. Case No.-33 Year-2019 Thana- MADHEPURA COMPALINT CASE
District- Madhepura

-
1. Rahul Kumar Basu @ Guddu Son of Ashok Basu permanent Resident of AB Estate, Professor Colony, Ward No. -06, Madhepura, Bihar-Samya Gadh, Police Station Goshwari, District Patna.
 2. Rohit Kumar Basu @ Chikkoo Son of Ashok Basu Permanent Resident of AB Estate, Professor Colony, Ward No. -06, Madhepura, Bihar-Samya Gadh, Police Station Goshwari, District Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Alok Kumar Sinha Son of Rajendra Prasad R/o Village- Godhiyari, P.S. and District- Madhepura.

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr.Chandra Shekhar Singh, Advocate
For the Opposite Party No. 2	:	Mr. Pankaj Kumar Sinha, Advocate
For the State	:	Mr. Binod Kumar,APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

7 20-07-2020 Heard learned counsel for the petitioners, learned counsel for the opposite party no. 2 and learned APP for the State through video conference.

2. The petitioners apprehend their arrest for the offences alleged under Sections 341, 323, 406, 417, 120(B), 504, 506/34 of the Indian Penal Code registered in connection with Complaint Case No. 33 of 2019.

3. It is submitted that the petitioner has been falsely implicated on the allegation of having taken Rs. 1,60,000/- from the complainant for providing a B. Ed. degree in Session 2014-15 and thereafter providing B. Ed mark sheet (Annexure-R/1 series to the counter affidavit), which was found to be forged and fabricated. It is submitted that there is inordinate delay in filing



the complaint on 30.01.2019 for the alleged occurrence of 15.10.2015 onwards. There is no material to corroborate the allegation of payment made by the complainant as no money receipt has been produced in support thereof, receipt of which is denied by the petitioners. A specific statement has been made in para 13 of the petition that the petitioners have never sent any mark sheet to the complainant. The petitioners claim clean antecedents.

4. Learned counsel for the complainant appears and opposes the petition, submitting that the petitioners have refunded the amounts taken from other students such as Manoj Kumar and Rajesh Chandra.

5. Be that as it may, in the event of the petitioners' arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners' be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of Sri Md. Manzoor Alam, learned Judicial Magistrate Ist Class, Madhepura in connection with Complaint Case No. 33 of 2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C. if they are not otherwise required in any other case.

(Vikash Jain, J)

Chandran/-

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

