

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4730 of 2020

Arising Out of PS. Case No.-152 Year-2018 Thana- KOTWALI District- Patna

JYOTI DAS W/o Prashant Das Resident of Village - 295, Tejab Mill Campus,
Kanpur, P.O., P.S.- and Dist.- Kanpur. State Uttar Pradesh

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Parth Gaurav, Advocate

For the Opposite Party/s : Mr.Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

6 02-09-2020 Heard Mr. Parth Gaurav, learned counsel for the
petitioner and Mr. Umanath Mishra, APP for the State.

The petitioner is apprehending arrest in connection with Kotwali P.S. Case No. 152 of 2018 corresponding to G.R. No. 1737 of 2018 for offences under Sections 406, 409, 420, 120B of the Indian Penal Code.

M/s. Maharana Pratap Education Centre, Sharda Nagar, Kanpur was selected as an agency by the State Rural Livelihood Mission, Rural Development Department, Government of Bihar under the Deen Dayal Upadhyay Gramin Kaushal Yojana (DDUGKY) to provide professional skills in the State of Bihar. In this case certain document was signed on behalf of M/s. Maharana Pratap Education Centre, Sharda Nagar, Kanpur by the present petitioner. Out of total amount of



Rs. 13,22,52,000/- the State of Bihar has paid advance of Rs. 3,30,63,000/- in the Bank account of M/s. Maharana Pratap Education Centre, Sharda Nagar, Kanpur but despite several requests and reminders, the agency did not carry its work and thus, there is fraud in procuring the advance.

Learned counsel appearing on behalf of the petitioner would submit that the petitioner has no criminal antecedent. She has not signed MOU. She has signed certain other document on behalf of the Organization. The petitioner has not done anything in her personal capacity creating criminal liability against the petitioner and as such the petitioner cannot be fastened with the liability either directly or indirectly. The petitioner was only the authorized signatory. All the acts of the petitioner was on behalf of the Organization and she did not receive any amount in her personal Bank account. The petitioner is a lady.

Considering the fact that the petitioner has no criminal antecedent, she is lady and the advance has not reached to the personal Bank account of the petitioner, the Court is inclined to grant bail to the petitioner subject to the condition that the petitioner has to deposit Rs.10,00,000/- (Ten lacs) in cash by way of demand draft. On depositing the amount of Rs.10,00,000/-, the petitioner, above-named, in the event of



arrest or surrender within four months from today, shall be released on bail on furnishing bail bond of Rs.01,00,000/- (Rupees One lac) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Patna in connection with Kotwali P.S. Case No. 152 of 2018 corresponding to G.R. No. 1737 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Deposit of Rs.10,00,000/- (Rupees ten lacs) cash by way of demand draft shall abide by the final outcome of the instant criminal case.

(Anil Kumar Upadhyay, J)

spandey/-

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

