

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25519 of 2020**

Arising Out of PS. Case No.-390 Year-2019 Thana- SIWAN MUFFASIL District- Siwan

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MUKESH KUMAR DUBEY @ MUKESH DUBEY Son of Ramesh Kumar
Dubey Resident of Village - Husainabad, P.S.- Basdih, District - Baliya (U.P).

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

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Appearance :

For the Petitioner	:	Mr. Ajay Kumar Pandey, Advocate.
For the State	:	Mr. A.M.P. Mehta, A.P.P.
For the Informant	:	Mr. Majid Mahboob Khan, Advocate.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

7 09-03-2021 Heard learned counsel for the petitioner and the

learned A.P.P. for the State as also the learned counsel for the

informant.

The petitioner apprehends his arrest in connection
with Siwan Muffasil P.S. Case No.390 of 2019 registered under
Sections 420, 406 and 120(b)/34 of the Indian Penal Code,
pending in the court of the Chief Judicial Magistrate, Siwan.

The accusation is that while Vaish Ali Khan, the
nephew of the informant Irshad Ali Khan, appeared in the NEET
Examination for taking admission in the Medical College but he
could not qualify. In the meantime, the informant came in the
touch of Dr. Yusuf Khan, who was running his Clinic as E.N.T.
Specialist, at Mirganj Road, Siwan, who asked the informant for



getting the admission of any of the children of his family at Hind Era Medical College, Lucknow, as Sadab Ahmad Khan, who is P.R.O. in the King George Medical College, Lucknow, is able to do the same. On the instruction of Dr. Yusuf Khan, the informant managed to talk to Sadab Ahmad Khan, who assured him for admission in the Medical College on providing Rs.40,00,000/-. On negotiation, the informant became ready for getting the admission of his nephew in the Medical College on payment of Rs.30,00,000/-. Dr. Yusuf Khan managed the meeting of Vaish Ali Khan, the nephew of the informant, with Sadab Ahmad Khan in the canteen of King George Medical College, Lucknow, where the original documents of Vaish Ali Khan, the nephew of the informant, and impression of his 10 fingers were taken. Sadab Ahmad Khan gave an account number in the name of Mukesh Kumar Dubey (petitioner) of Union Bank of India and asked to transfer the amount in the said account. Accordingly, the informant transferred Rs.16,40,000/- in the said account number and also handed over Rs.3,60,000/- to Dr. Yusuf Khan at his Clinic. Later on, Sadab Ahmad Khan informed the informant that Dr. Yusuf Khan has been murdered at Gorakhpur, then the informant started making query and came to know that in the account of Mukesh Kumar Dubey



(petitioner), the photograph of Dr. Yusuf Khan is pasted and the address of Mukesh Kumar Dubey is mentioned as Village+Post Husainaabad, District-Baliya, Uttar Pradesh. At the clinic of Dr. Yusuf Khan, one Rahul Kumar Dubey was Compounder, who is the resident of Kuchaikot, District-Gopalganj. The informant raised suspicion that all the aforesaid persons, under conspiracy, grabbed his money.

Learned counsel appearing on behalf of the petitioner submits that it would appear from the agreement of receiving the money, as attached with the F.I.R., that the money was taken by Sadab Ahman Khan, not by the petitioner but the petitioner has falsely been implicated in this case.

On the other hand, learned A.P.P. appearing for the State submits that in course of investigation, it has come that in the Saving Bank Account of the petitioner, the money was transferred by the informant on which the photograph of Dr. Yusuf Khan is pasted and the parentage of Mukesh Kumar Dubey is also mentioned as Ramesh Dubey.

Having considered the facts and the circumstances of the case and the nature of allegation against the petitioner, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, the prayer of the petitioner for grant of



anticipatory bail stands rejected. However, the petitioner is directed to surrender before the trial court within four weeks from today and pray for regular bail, which shall be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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