

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36766 of 2020

Arising Out of PS. Case No.-2600 Year-2015 Thana- PATNA COMPLAINT CASE District-
Patna

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KUNAL KANT, S/O- Shri Shiv Nandan Sharma R/O Vill. - Magadh Colony
Road No. 2, P.S. - Magadh Medical college, District - Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. DR. ALAKH PRASAD, SON OF SRI RAM DEV PRASAD R/O
NARAYAN PLACE FLAT NO. 101, FRASER ROAD 42, DAK
BANGLOW CHAURAHA, POLICE STATION KOTWALI DISTRICT
PATNA 800001

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr.Uday Pratap Singh
For the Opposite Party/s :	Mr. Kalyan Shankar
	Mr. Shashi Shekhar Kumar Prasad

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

- 4 02-08-2021 Heard Mr. Vikram Deo Singh, learned counsel

for the petitioner and Mr. Ardhendumauli Kumar Prasad,

learned counsel for the complainant / Opposite Party No.

2. The State is represented by learned APP.

The petitioner seeks bail in anticipation of his

arrest in connection with Complaint Case No. 2600 (c)

of 2015, dated 22.07.2015, in which cognizance has

been taken under Sections 406, 420 and 120 B of the

Indian Penal Code.



It has been alleged by the complainant that her daughter's batchmate / friend told her that he is known to the petitioner who can ensure her admission in PG course in any medical college. The complainant and his wife were introduced to the petitioner who assured them that on payment of money, admission can be secured in any medical college. Advance money also was allegedly demanded by the petitioner. The complainant is said to have paid a huge amount by cheque and cash both to the petitioner. When the daughter of the complainant did not get admission in any medical college, the complainant asked for his money to be refunded, which was refused.

Hence, the complaint petition.

The learned counsel for the petitioner has submitted that the accusation in the complaint petition as also in the solemn affirmation of the complainant is absolutely vague. The complainant has not stated the name of the college in which admission was promised by



the petitioner. The petitioner is in no capacity to ensure admission of any student in any medical college. All that has been alleged against the petitioner is that he was introduced to the complainant by his own daughter for facilitating her admission in a medical college.

It has been urged on behalf of the petitioner that the complainant is not an uninitiated person but is a doctor. His wife also is a doctor. With this background, such a vague accusation is unbelievable.

The learned counsel for the petitioner has further submitted that there is a reason for the complainant and his wife having paid some amount in cash to the petitioner. It was not for the purpose of securing admission of his daughter but was part payment for supply of building materials. This fact has been stated in paragraph 6 of the bail petition.

As opposed to the aforesaid contentions, Mr. Ardhendumauli Kumar Prasad has submitted that there could be no reason for the complainant to have falsely



alleged that the petitioner had promised the admission of his daughter in a medical college. If there had been any dispute with respect to payment of building materials, that would have had a good enough reason for filing complaint case independently.

However, he disputes the aforesaid contention and submits that the petitioner is not aware of any such agreement with the petitioner for supply of building materials and no bills have been produced by the petitioner to vindicate the aforesaid statement.

After having heard the learned counsel for the parties and perusing the complaint petition, this Court is of the view that the complaint petition is absolutely vague. No necessary details have been provided for the allegation levelled in the complaint petition.

For the reasons afore-stated, the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt /



production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Judge XIV cum A.C.J.M., Patna, in connection with Complaint Case No. 2600 (c) of 2015, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

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