

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8477 of 2022

Arising Out of PS. Case No.-300 Year-2021 Thana- LALGANJ District- Vaishali

Vinod Kumar Singh S/O Late Kameshwar Prasad Singh The President Of
Buddha Polytechnics, Buddha Teachers Training College, New Buddha
Teachers Training College, Sirsa Viran, P.S.- Lalganj, District- Vaishali,
Presently Resident Of 302, Maya Enclave, East Patel Nagar, P.S.- Shashtri
Nagar, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 10016 of 2022

Arising Out of PS. Case No.-300 Year-2021 Thana- LALGANJ District- Vaishali

Amit Kumar S/O Vinod Kumar Singh Director Secretary Of Buddha
Polytechnics, Buddha Teachers Training College, New Buddha Teachers
Training College, Sirsa Viran, P.S.- Lalganj, District- Vaishali, Presently
Resident Of 302, Maya Enclave, East Patel Nagar, P.S.- Shashtri Nagar,
District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 8477 of 2022)

For the Petitioner/s : Mr. Raj Kumar

For the Opposite Party/s : Ms. Nirmala Kumari

(In CRIMINAL MISCELLANEOUS No. 10016 of 2022)

For the Petitioner/s : Mr. Raj Kumar

For the Opposite Party/s : Ms. Nirmala Kumari

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 24-08-2022 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners are apprehending their arrest in



a case registered for the offences punishable under Sections 406, 420, 34 of the Indian Penal Code.

The prosecution case as per F.I.R is that the petitioners being father and son have constituted a Society namely SMILE and under the aforesaid Society, different institutions were established. The informant is father-in-law of Amit Kumar and after marriage in the year 2010, he helped Amit Kumar in arranging land for the society. The informant has not only registered his ancestral land in favour of the Society but also make arrangements to get the land of other persons registered in favour of the Society. However, the informant came to know that he has been made President of the aforesaid society namely SMILE without his consent and the records of the registered documents showed that consideration amount has been paid to the informant for the lands in question. But the real fact is that the informant had not received a penny as consideration amount. It is also alleged that these petitioners being



President and Secretary of the Society are operating the bank accounts of the Society and are grabbing the money of the Society. They are also running different institutes under the Society without following due procedure and in this process the petitioners being President and Secretary of the Society SMILE have defrauded the students and grabbed the property of the informant.

It is submitted by learned counsel for the petitioners that it is the case of the informant that his land has been grabbed without paying a penny, but the documents show that the informant had received the consideration amount. It is further submitted that petitioner Amit Kumar has constituted a Society namely SMILE under the Society Registration Act, 1860 after submitting all the necessary documents before the Registration Office and as such the allegation of getting registration of the Society SMILE on the basis of false and forged documents appears to be false and



concocted. It is also submitted that the informant was elected on the post of President of the Society in the Aam Sabha dated 20.04.2015 and he continued as President of the Society from 20.04.2015 to 15.09.2018 and thereafter in General Assembly dated 16.09.2018, he was removed from his post because he was not running the Society in legal and proper manner as many discrepancies were found in financial term. It is also submitted that daughter of the informant has filed Title Suit No. 137 of 2020 against the informant with regard to her share coparcenary property and thereafter the brothers of the informant have filed Title Suit No. 77 of 2021 against the Society SMILE. The petitioners have neither grabbed the alleged land of the informant nor they got registry of the alleged land of the informant without giving him its consideration money.

In the facts and circumstance of the case, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of



four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousands) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, IX, Vaishali at Hajipur in connection with Lalganj P.S. Case No. 300 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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