

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26233 of 2022

Arising Out of PS. Case No.-3599 Year-2016 Thana- PATNA COMPLAINT CASE District-
Patna

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ATANU DUTTA S/o Late Amrendra Nath Dutta Resident of Flat No.-204A,
R.K. Villa, Near- Rajdhani Apartment, Mahesh Nagar, Police Station-
Patliputra, District- Patna. Petitioner/s

Versus

1. The State of Bihar
2. Narendra Prasad Ambastha S/o Late Dineshwar Lal Resident of 301,
Lakshmi Complex, Road No.-1, Gardanibagh, P.s.- Gardanibagh, District-
Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mrs. Nivedita Nirvikar, SR. Adv. Mr.Manish Dhari Singh, Adv.
For the Opposite Party/s :		Mr.Amitesh Kumar, Adv.
For the Complainant		Mr. Anjani Kumar Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 25-08-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection
with Complaint Case No. 3599(c) of 2016 instituted for the
offences under Sections 406, 420 and 120(B) of the Indian Penal
Code and Section 138 of N.I. Act.

As per allegation in the FIR, under a conspiracy
petitioner along with other co-accused persons has cheated the
complainant and his daughter and grabbed an amount of Rs.
28,35,000/- from them on the pretext of getting admission in
M.B.B.S. course at Pune Institute of Medical Science &



Research. It is further alleged that the daughter of the complainant neither got admission in MBBS Course nor the petitioner returned the aforesaid amount to the complainant despite legal notice being sent.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this case. He is a teacher in a renowned school. He has only suggested the name of the college to the complainant. He has neither taken any amount from the complainant nor he has any concern with the other co-accused. There is no chit of documentary evidence against the petitioner save and except oral allegation made by the complainant. Complainant has not made any payment to the petitioner either by cheque or by cash rather he has given cheque of Rs. 22 lac to the College authority and two cheques of about 6 lac to the co-accused persons and the same have also been credited in their respective accounts. On repeated request, the college authority had returned the money to the complainant by cheque but the said cheque given by the college authority got dishonoured due to insufficient fund. Hence, no case under Section 138 of Negotiable Instrument Act is made out against the petitioner. It is further stated that no legal notice was sent to



the petitioner. The legal notice as alleged by the complainant was sent to the college only.

Learned counsel appearing for the complainant and learned APP appearing for the State has opposed the prayer of bail of the petitioner and submitted that there is direct allegation against the petitioner of negotiating between the complainant and the college authority regarding admission of his daughter and accepting payment through cheques.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Complaint Case No. 3599 (c) of 2016, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, NI Act, Patna subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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