

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37746 of 2021

Arising Out of PS. Case No.-99 Year-2019 Thana- JEHANABAD COMPLAINT CASE
District- Jehanabad

Prof (DR.) Anjum Ashrafi, S/O Bahav Ashrafi Marhum R/O Mohalla- Harun
Nagar, Sector-2, P.S.- Phulwari Sharif, District- Patna Petitioner/s
Versus

1. The State Of Bihar
2. Prof. Amrendra Yadav S/o Jaldhari Yadav R/o village- Akauna Tola Dhina
Bigha, P.S.- Makhdumpur, Distt.- Jehanabad
... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajendra Narain- Sr. Advocate
Mr. Rama Kant Singh- Advocate
For the Opposite Party/s : Mr. Lalan Kumar- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 15-06-2022 Heard learned senior counsel for the petitioner and
learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in
a case registered for the offences punishable under Sections 406,
420 of the Indian Penal Code and Section 138 of the N. I. Act.

The learned senior counsel for the petitioner submits
that the petitioner is a person with clean antecedent and the
complainant, alleges that he was the Incharge Principal of Ram
Lakhan Singh Yadav College, Jehanabad and the petitioner was
posted as Inspector of college for Arts and Commerce from
2017 to 2018, as such, good relationship was developed
between two. It is next alleged that recognition of the college of
the petitioner expired in the Year 2015. It is further alleged that
the government announced a notification and allowed the



students of the college to appear in the examination after depositing of certain amount. It is next alleged that the petitioner informed the complainant that he will facilitate him in providing affiliation to the college. It is next alleged that the complainant relied on the assurance of the petitioner and thus, on 27.07.2018 gave him Rs.10,60,000/- in cash. It is next alleged that for some reason the admit cards could not be provided to the students, as such, the complainant got physically and mentally harassed and ultimately, the petitioner gave a cheque of Rs.8,53,000/- drawn on ICICI bank dated 01.12.2018, the said cheque bounced. Accordingly, the present complaint came to be instituted.

The learned senior counsel for the petitioner submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that if what has been alleged in the complaint petition is true, then the complainant is equally liable like the petitioner for committing an offence as he himself accepts in the complaint that he had given Rs.10,60,000/- in cash to the petitioner for getting a favour i.e. getting his college recognized. It is next submitted that the complainant has only tried to make out a case as there was a deal regarding a land for which, the petitioner had issued cheque in favour of the complainant, but



the said cheque bounced. Hence, the complainant made out a false case to implicate the petitioner. It is next submitted that it absolutely does not stand to reason that Principal of a college would give Rs.10,60,000/- in cash for getting some favour and what has been alleged is true, then definitely no offence under Section 406 and 420 of the I.P.C. and Section 138 of the N.I. Act is bailable.

Learned A.P.P. opposes the bail application.

Considering the submissions made by the learned senior counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Complaint Case No.99 of 2019, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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