

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6790 of 2023

Arising Out of PS. Case No.-689 Year-2014 Thana- NALANDA COMPLAINT CASE
District- Nalanda

=====

Birendra Prasad @ Birendra Pd Vidhayak @ Bhushan Prasad Son Of Late
Sukhdev Prasad Singh Resident Of Village - Bans Vigaha, P.S.- Dhanarua,
District - Patna

... .. Petitioner

Versus

1. The State of Bihar
2. Ranju Kumari Wife of Mahendra Prasad Resident of Village - Khadi
Lodipur, P.S.- Hilsa, District - Nalanda

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Jai Prabhat Kishore
For the Opposite Party/s	:	Mr. Pawan Kumar Chaurasia
	:	Mr. Rajeev Kumar
	:	Mr. Gautam Shah

=====

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 22-06-2023 Heard learned counsel for the petitioner and learned

APP for the State assisted by learned counsel for the

complainant.

The petitioner is apprehending his arrest in a case
registered for the offence punishable under Sections 420 and
120(B) of the Indian Penal Code pending in the learned court
below.

As per the prosecution case, petitioner is said to have
allured the complainant, whereafter the complainant is stated to
have gone to the premises of Sindhu ANM Nursing School
situated at Sampat Chak, Patna and met his Director, namely,
Pranod Kumar Suman, on 03.12.2012, whereafter she had taken



permission by paying a sum of Rs.1,90,000/-, however, subsequently, it is the allegation of the complainant that she was not permitted to sit in the exam and the degree was also not granted to her.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He further submits that in the matter of fact several cases was lodged against one of the co-accused, Pramod Kumar, who is direction of the institution. He submits that there is no specific overt act against the petitioner. He further submits that petitioner is not the employee nor any member of the said institution. He submits that similarly situated other co-accused person has already been granted bail by a bench of this Court vide order dated 18.05.2023 passed in Cr. Misc. No. 5975/2023. He further submits that petitioner has got no criminal antecedent as stated in para-3 of the bail application.

Per contra, learned APP for the State along with learned counsel for the complainant vehemently opposes the bail application and submits that the petitioner is also involved in the present case and co-accused Anil Kumar and petitioner have taken money from the complainant. Hence, he does not deserve anticipatory bail.



Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail in connection with Complaint Case No. 689C/2014. Accordingly, his prayer for anticipatory bail is hereby rejected.

However, if the petitioner surrenders before the learned Court below within a period of six weeks from today and seeks regular bail, the learned Court below would pass the order, preferably, on the same day, without being prejudiced by this order.

(Anjani Kumar Sharan, J)

ajay/-

U		T	
---	--	---	--

