

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24150 of 2023

Arising Out of PS. Case No.-7062 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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Alok Kumar Srivastava @ Alok Srivastav @ Alope Kumar Srivastava Son Of
Shambhu Nath Sahay, Resident of near R.N.S. College, Balughat, P.S. -
Ahiyapur, Distt. - Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dr. Manisha Kumari Wife of Dr. Manoj Kumar, Resident of Road no. 5,
Indrapuri, P.S. - Patliputra, Distt. - Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Senior Advocate Mr. Shantanu Kumar, Advocate
For the Informant	:	Mr. Atul Prakash, Advocate Mr. Raushan, Advocate Mr. Sahil Kumar, Advocate
For the Opposite Party/s:		Mr. Ahmad Ali, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 15-06-2023 Heard Mr. Ramakant Sharma, learned senior counsel

appearing on behalf of the petitioner, assisted by Mr. Shantanu
Kumar, Advocate; Mr. Atul Prakash, learned counsel appearing
on behalf of the informant and Mr. Ahmad Ali, learned
Additional Public Prosecutor for the State.

2. The petitioner seeks pre-arrest bail in connection
with Complaint Case No.7062(C)/2022 registered for the
offences punishable under Sections 406, 420, 451, 452, 386 &
506/34 of the Indian Penal Code.



3. Prosecution story in brief is that a complaint case was filed by the complainant, namely, Dr. Manisha Kumari, who is President of Jageshwari Memorial Institute of Speech and Hearing. After creating a new Management Committee, the Institution name was changed as Radha Devi Jageshwari Memorial Institute of Speech and Hearing. The complainant is aggrieved by the illegal act of the said newly created Managing Committee and she was forced to file a complaint case. The learned court below found *prima facie* the case under Sections 406, 420, 451, 386 & 506/34 of the Indian Penal Code. The complainant was restrained from participating in the meeting of the Managing Committee and thereafter she was allegedly threatened by the accused persons including the petitioner.

5. Mr. Ramakant Sharma, learned senior counsel appearing on behalf of the petitioner submits that the petitioner at the relevant point of time was Treasurer of the newly constituted Managing Committee and also the member of the Managing Committee. The Petitioner being Treasurer of the Managing Committee and no specific allegation of criminal assault has been alleged against the petitioner, seeks parity with the other co-accused persons, who have already been released on anticipatory bail, vide order dated 21.04.2023 passed in Cr.



Misc. No.23541 of 2023 and has specifically stated that allegation of assault has been made against some of the accused persons, however, on perusal of the entire complaint, it appears that no allegation of assault has been made against the petitioner. Learned counsel further submits that mediation is going on for an amicable solution between the main accused nos.5 & 6 and the complainant before the Mediator of this Court.

6. Mr. Atul Prakash, learned counsel appearing on behalf of the Complainant/O.P.no.2 submits that misappropriation of fund was found and the complainant had also taken steps for breaking the issue of misappropriation of fund of the Institution in an illegal manner amounting to Rs.17,99,25,000/- and there is every likelihood that the accused persons may siphon the amount of Rs.21,51,60,452/-, which has been credited in the account of the newly created trust. On these grounds, the learned counsel submits that the petitioner does not deserve to be released on pre-arrest bail, who is custodian of the Accounts of the Institution.

7. Learned Additional Public Prosecutor appearing on behalf of the State has supported the submissions made by the



learned counsel appearing on behalf of O.P.No.2 (Complainant).

8. Having considered the rival submissions made by the parties as well as the fact that the petitioner is aggrieved by misappropriation of fund of the erstwhile Institution and allegedly unaccounted fund being transferred in the newly created trust, which forced the complainant to file a complaint before the learned Magistrate, the parties have appeared before the Mediator and they are ready for amicable settlement, the petitioner is a Treasurer and no any direct allegation has been made against him by the complainant. The petitioner has *prima facie* made out a case to be released on anticipatory bail. The court below is directed to release the petitioner, above named, on anticipatory bail, in the event of his arrest or surrender before the learned court below within a period of four weeks from today, on furnishing of duly audited balance sheet by the Chartered Accountant and income tax return with respect to current financial year and bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Patna in connection with Complaint Case No.7062(C)/2022, subject to condition as laid down under Section 438(2) of the Cr.P.C. and since the petitioner is a Treasurer of the Institution, he must also



furnish certified copy of the audit report duly submitted before
the Registrar of the Company.

(Purnendu Singh, J)

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