

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26178 of 2023

Arising Out of PS. Case No.-1911 Year-2019 Thana- PATNA COMPLAINT CASE District-
Patna

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Kunaal Jha @ Gunjan, Son Of Shri Devendra Kumar Jha R/O At- S.R.T. Quarter, Near- Mahindra Pride School, Rajendra Nagar, Road No- 12, PS- Kadamkuan, Dist- Patna

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Sudha Jayaswal, Wife Of Niranjana Kumar Resident Of Village- Khazanchi Road, Lane No. 1, Ps- Pirbahore, Dist- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Rajesh Ranjan
For the Opposite Party/s :	Mr. Madhura Nand Jha
	Mr. Raj Kumar
	Mr. Rajnish Kumar

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 08-08-2023 1. Heard learned counsel for the petitioner, learned counsel for the complainant and learned APP for the State.

2. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 406, 420, 120B of the Indian Penal Code and Section 138 of the N. I. Act, but the cognizance has been taken under Sections 420, 406 and 34 of the I.P.C.

3. The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the complainant alleges that petitioner along with Richa Jha met her and assured that her daughter will get admitted in Mata Gujri



Memorial Medical College & L.S.K. Hospital, Kishanganj under Management quota, but will have to part with Rs.22,00,000/- in access. Accordingly, Rs.17 Lacs in cash and Rs.5 Lacs by two cheques were given, out of which, a draft of Rs.12,10,000/- was prepared in favour of the college, but her daughter could not be admitted. Thereafter, petitioner issued a cheque of Rs.17 Lacs which bounced on presentation for encashment.

4. The learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. It is next submitted that from perusal of the order impugned, it would manifest that cognizance has not been taken under Section 138 of the N. I. Act, which prima facie demonstrates that no cheques, as alleged, was issued by the petitioner in favour of the complainant. It is also submitted that from perusal of the allegation, it would manifest that the complainant because of her money power was trying to get her daughter admitted in a medical college through backdoor. It is further submitted that it absolutely does not stand to reason that as to why the petitioner would have approached the complainant for getting her daughter admitted in a medical college. It is next submitted that since complainant was after the petitioner for getting her daughter



admitted in medical college and when the petitioner showed his inability to get her daughter admitted despite being close to the management of the college, then a false case came to be instituted alleging that Rs.17 Lacs was paid in cash and Rs.5 Lacs by way of cheque. It absolutely does not stand to reason that why Rs.17 Lacs was paid in cash and why only Rs.5 Lacs by cheque. It is thus submitted that the said allegation has been made only with a view to falsely implicate the petitioner in the case as he was not willing to help the complainant for getting her daughter admitted in a medical college based on donation through backdoor.

5. Learned A.P.P. along with learned counsel for the complainant opposes the bail application, but are not in a position to rebut the submission of the learned counsel for the petitioner that cognizance has not been taken under Section 138 of the N. I. Act.

6. Considering the submissions made by the learned 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 Sri Ravi Kumar, the learned Sub-Judge-IV-cum-A.C.J.M., Patna in connection with Complaint Case No.1911(c)/2019, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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