

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62620 of 2022

Arising Out of PS. Case No.-191 Year-2015 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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VACHASPATI JHA Son of Surya Narayan Jha R/O Sachdeva Building, Nand Lal Mishra Lane, Surkhikal, Tilkamanjhi, Dist- Bhagalpur and Also Reside at Sachdeva V.J. International School Surkhikal Road, Tilkamanjhi P.S- Tilkamanjhi, Dist- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Imtiyaz Ahmad Son of Late Sharof Ahmad R/o Nawab Colony Jarlaho Road, P.S- Habibpur, Dist- Bhagalpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Aryan Sinha, Adv.
For the Opposite Party/s : Mr.Narsingh Tanti, APP.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 21-04-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 417, 420, 504 and 34 of the Indian Penal Code.

The prosecution story, in short, is that the Opposite Party No.2 namely Imtiyaz Ahmad had got his son, namely, Faiz Ahmed admitted in the school of petitioner. At the time of admission, the petitioner had charged the admission fees for the sum of Rs. 25,000/- and same had been deposited by the Opposite Party No.2. Thereafter, the son of the Opposite Party



No.2 had met with an accident on 14.11.2013 and was admitted in the hospital till 19.11.2013. After the said incident, his son was not able to walk. On the assurance of the petitioner, the Opposite party No.2 also deposited Rs. 16,000/- in the account no. 11663213844 of SBI. It was further alleged that the petitioner and co-accused namely Amod Kumar had given assurance to the Opposite Party No.2 that they would inform about the date of Practical Examination but they did not inform him about the alleged examination as a result, the son of the Opposite Party No.2 could not appear in Practical examination and when he tried to know the reason as to why the petitioner had not informed regarding the said examination, they started using abusive and filthy language and also threatened him of dire consequences.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. It is further submitted that petitioner was not present at the place of occurrence and has filed flight ticket in support of this argument. Learned counsel for the petitioner



submits that the sections as alleged are not attracted against the petitioner. It is further submitted that the opposite party no.2 has falsely alleged that he had enrolled his son in the school of petitioner as the petitioner, during the years 2012-14, was running a coaching institution, providing tuition to IIT aspirants as well as other students. He further submits that the son of the Opposite Party No.2 i.e. Faiz Ahmed was a student of the school named Vidya Niketan at Danapur for the session 2012-14. As he was the student of the Vidya Niketan School, Danapur, therefore, the responsibility of informing the students regarding the dates of examination could be at best be made on Vidya Niketan School, Danapur. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State opposed the prayer for bail.

Considering the facts and circumstances of the case as well as the argument of the parties, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with



Complaint Case No. 191 of 2015, subject to the condition as
laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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