

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4303 of 2023

Arising Out of PS. Case No.-764 Year-2018 Thana- KOTWALI District- Patna

DR. NAGHMA KHAN @ NAGHMA KHAN D/o Anwar Khan Resident of
Silver Manor Apartment, Ambedkar Medical College, Main Road, M.M.
Layout, Kaval Bysandra R T Nagar, Bangalore North, Karnataka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pranav Kumar Jha, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 16-05-2023 Heard Mr. Pranav Kumar Jha, learned counsel for
the petitioner and Mr. Nagendra Prasad, learned Additional
Public Prosecutor for the State.

2. Petitioner apprehends her arrest in connection
with Kotwali (Patna) PS Case No. 764/2018 dated 03.11.2018
registered for the offence punishable under Sections 406, 420/34
of the IPC.

3. As per First Information Report, the informant
claims to have been running Victory Consultancy Service for
arranging admission in medical colleges for the aspiring
students. The petitioner is also said to have been running
medical admission consultancy along with her father and there
was an understanding between both the consultancies that they
would arrange admission of the candidates of the informant's



consultancy in Katihar Medical College through one Dr. Saibal Gupta, Dean of the Katihar Medical College. The informant further alleged that a sum of Rs. 1Crore 1Lac and 20 thousand was deposited in the account of the petitioner through Victory Travel Transport, Indore and Victory Travel Transport Services, Delhi, but the petitioner failed to secure admission of the students in the Medical Colleges and upon demand false assurance was being given by her to return the amount. Lastly, only Rs.19 Lacs was returned by the petitioner.

4. Mr. Jha, learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case by the informant who runs the consultancy for securing admission of the students in the private medical college. He next submits that there was business relationship between the parties and during course of business transaction some financial transaction was also done. He also submits that a legal notice was sent to the petitioner by the informant in the year 2015 wherein it has been mentioned that a sum of Rs. 75 Lacs and 20 thousand was said to have been paid by the informant which the informant through his legal notice demanded from the petitioner but in the FIR, the different amount of Rs. 1Crore 1Lac and 20 thousand has been mentioned. The FIR has been lodged after a delay of more than



three years inasmuch as the amount was paid in the year 2015 and the FIR has lodged in the year 2018.

5. Regards being had to the submissions made by the parties and taking into consideration the fact that there is a business relationship between the parties during which the money was exchanged and some of the amount has been returned by the petitioner to the informant, I am inclined to grant anticipatory bail to the petitioner.

6. Accordingly, let the petitioner, named above, in the event of arrest or surrender within four weeks from today, be released on anticipatory bail, on furnishing 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 Kotwali (Patna) PS Case No. 764/2018, subject to the condition as laid down under Section 438(2) CrPC.

(Anil Kumar Sinha, J)

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