

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61931 of 2024

Arising Out of PS. Case No.-597 Year-2023 Thana- BHAGALPUR KOTWALI District- Bhagalpur

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Sinti Kumar Son of Namit Srivastava R/o- Lailakh, P.S.- Sabour, District - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Jha, Advocate Mr. Ankit Raj
For the Opposite Party/s	:	Mrs. Meena Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 21-10-2024 1. Heard the parties.

2. The petitioner apprehends his arrest in connection with Kotwali (Jogsar) P.S. Case No. 597 of 2023 dated 01.07.2023 registered under Sections 406 / 420 of the I.P.C.

3. As per the prosecution case the informant has alleged that on 24.08.2022 an agent from BYJU Tuition Centre i.e. the petitioner came to his house and persuaded the informant to get his son admitted in the Online Class of BYJU Tuition Centre for Class-III. Upon asking, the informant paid a sum of Rs. 10,000/- in cash to the petitioner. The petitioner took signatures upon various papers from the informant and also gave books and Tab for the classes, but no teacher ever appeared Online for teaching the son of the informant. Then the informant asked him to



cancell the admission. The petitioner assured that admission amount shall be returned and upon that the informant returned all the books and Tab with other materials.

4. Learned counsel for the petitioner submits that petitioner has not committed any offence as alleged inasmuch he was working as an agent of the BYJU Tuition Centre. The subsequent amount of Rs. 5583/- by way of installment was paid into the account of one Pradeep Kumar Singh, who is a franchise of the BYJU Tuition Company.

5. On the other hand, learned counsel for the State submits that the informant was cheated and the money which was sent Online in the account of Pradeep Kumar Singh claiming himself to be the franchise of BYJU Tuition Company, is not the real BYJU Tuition Company and the same is fake.

6. In reply, learned counsel for the petitioner submits that the petitioner is having no criminal antecedent and he is ready to return Rs. 10,000/- in favour of the informant namely, Pramod Kumar Singh.

7. Regard being had to the submission made by the parties, taking into consideration the fact that petitioner is having no criminal antecedent, it is the first offence committed by him, he is ready to refund the sum of Rs. 10,000/- in favour of the



informant, the fact that allegation against the petitioner is based upon documents and there is no likelihood that the petitioner will abscond or tamper with the evidence, I am inclined to grant anticipatory bail to the petitioner subject to payment of Rs. 10,000/- in favour of the informant by way of Bank Draft within a period of twenty days from today.

8. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Bhagalpur in connection with Kotwali (Jogsar) P.S. Case No. 597 of 2023 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

9. It is made clear that at the time of furnishing bail bond, the acknowledgment receipt granted by the informant shall be furnished by the petitioner before the court below.

(Anil Kumar Sinha, J)

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