

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70382 of 2023

Arising Out of PS. Case No.-163 Year-2023 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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1. Suryanath Singh S/O Late Ramchandra Singh R/O Village- Dihra, P.O-
Konar, P.S- Shivsagar, Distt.- Rohtas (BIHAR).
 2. Omnita @ Omnita Kumari W/O Satish Kumar R/O Village- Dihra, P.O-
Konar, P.S- Shivsagar, Distt.- Rohtas (BIHAR).
 3. Satish Kumar Maurya @ Satish Kumar S/O Suryanath Singh R/O Village-
Dihra, P.O- Konar, P.S- Shivsagar, Distt.- Rohtas (BIHAR).
 4. Ajay Kumar S/O Late Naryan Mahto R/O Mohalla- Nayka Gaon, Ward No.-
31, P.O- Sasaram, P.S- Sasaram Town, Distt.- Rohtas (BIHAR).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rajeev Kumar S/O Lalji Prasad R/O Ward No. 27, P.S- Sasaram Town, P.O-
Sasaram, Distt.- Rohtas(Bihar).

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shiv Pratap, Advocate
For the Opposite Party/s	:	Mr. Md. Fahimuddin, APP
For the Complainant	:	Mr. Surendra Kumar Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 07-03-2024 Heard Mr. Shiv Pratap, learned counsel for the

petitioners, Mr. Surendra Kumar Mishra, learned counsel

appearing on behalf of the complainant as well as Mr. Md.

Fahimuddin, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in

connection with Complaint Case No. 163 of 2023 for the

offences punishable under Sections 406, 420/34 of the Indian

Penal Code.



3. According to prosecution case, these petitioners are running an institution namely, Surya Dharm Career Institute Pvt. Ltd. and have duped the complainant of Rs. 7,50,000/- on pretext of giving admission to Harsh Kumar in M.S. Ramaiya Institute of Technology, Bangalore.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that it appears from the complaint petition that the complainant has no concern at all with the allegation as alleged in the complaint petition. He further submits that the complainant has filed the present complaint petition because of the wrong committed by the petitioners with respect to the other persons, namely, Harsh Kumar and Rimjhim Kumari and the complainant is neither the legal guardian nor the family member of Harsh Kumar and Rimjhim Kumari.

5. The learned counsel appearing on behalf of the complainant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioners and submits that on instruction from the concerned persons the complainant has filed the complaint petition but he is not in a position to inform this court about his relationship with the



aggrieved persons.

6. Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate IV, at Rohtas, Sasaram in connection with Complaint Case No. 163 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at



any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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