

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7436 of 2015

Arising Out of PS.Case No. -52 Year- 2014 Thana -KAUAKOL District- NAWADA

- =====
1. Bipin Sinha son of Sri Narsingh Singh
 2. Sarangdhar Mohan Son of Lailash Singh
 3. Upendra Narayan Singh son of Late Jhagar Singh
- Petitioner/s

Versus

The State of Bihar

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar
For the Opposite Party/s : Mr. Anil Kumar Singh(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 27-04-2015 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners apprehend their arrest in connection with
Kawakole (Rupou) P.S. Case No. 52 of 2014 registered for the
offences punishable under Sections 467, 468, 420, 409, 120B, 307
of the Indian Penal Code and Section 27 of the Arms Act.

Earlier in this case, case diary has been called for which has
since been received.

Learned counsel for the petitioners submits that this is not a
case of defalcation as according to him, the grant in aid amount
had to be distributed as per their entitlement amongst all
employees as well as teaching staff.

Learned counsel for the petitioners has drawn my attention
to Annexure-3 which clearly reveals that the amount of

Rs. 49,98,827/- had been received by the College in the year 2010 for the academic sessions 2006-08.

From the perusal of the aforementioned documents, it is also evident that the complainant professor Balram Prasad Singh had also received his equitable share being Rs. 1,30,700/- as was being received by other similarly situated Professor.

Learned counsel for the petitioners has also drawn my attention to the Resolution of the college body in which it has been clearly indicated that the complainant had been absenting himself from discharging his duties in the college without any rhyme and reason and has also moved before the Hon'ble Court challenging his seniority. Since the concerned Professor did not have any valid reason for abstaining from duties, a resolution has been passed against him for withholding his payment. It is, however, submitted that the payments due to the petitioners had been kept reserved and had been kept in abeyance and would be paid to him as and when he became entitled to receive the same. It has been submitted that the present case has been lodged as a vendetta only against the Secretary and the Principal.

Learned counsel for the State further submits that after perusal of the case diary, save and except the allegation made by the complainant, no other Teaching Staff has complained and also

no further material has surfaced in the case diary so as to connect these petitioners with the offence as alleged.

Considering the aforementioned submissions, the nature of allegation and want of cogent material in the case diary, let the petitioners, in the event of their arrest / surrender within a period of two weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the each amount to the satisfaction of the learned Judicial Magistrate, 1st Class, Nawada in connection with Kawakole (Rupou) P.S. Case No. 52/2014 subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Anjana Mishra, J.)

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