

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43786 of 2015

Arising Out of PS.Case No. -138 Year- 2015 Thana -SATHI District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Bashishth Kuwar @ Basist Kuar Son of Sri Harihar Kuwar, residing at Awaraiya, P.S. - Muffasil, District - West Champaran and at present Principal of the Raj Kumar Shukla College, Satwariya Chanpatiya (West Champaran).
 2. Kumar Nutesh Son of Bashishth Kuwar resident of Awaraiya, P.S. - Muffasil, District - West Champaran.
 3. Priyesh Kumar @ Priyesh Ranjan, Son of Sri Bashishth Kuwar, residing at Awariya, P.S. - Muffasil, District -West Champaran.
 4. Akhilesh Prasad Rai @ Akhilesh Rai @ Akhileshwar Prasad Rai, S/o Ramchandra Rai, resident of Satwariya, P.S. - Sathi, District - West Champaran.
 5. Jai Shankar Thakur, Son of Ramashray Thakur, resident of Satwariya, P.S. - Sathi, District - West Champaran.
 6. Bajrangi Thakur @ Himanshu Kumar, Son of Sri Jai Shankar Thakur, resident of Satwariya, P.s. - Sathi, District - West Champaran.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Binod Kumar
For the State : Mr. Upendra Kumar(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 19-02-2016 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State as well as learned counsel for the informant.

The petitioners apprehend their arrest in connection with a case registered for the offences punishable under Sections 147/406/420/323/379/427/504/506 of the Indian Penal Code.

Diary in this case was called for earlier which has since been received.



Learned counsel for the petitioners submits that the entire prosecution story against the petitioner is false and motivated and has been lodged to take wreck vengeance on the petitioners by the informant who claims to be the Principal at the present moment. Learned counsel for the petitioner further submits that the petitioner No. 1 has been functioning as a Principal from the period 15.11.1991 and is also currently the Principal. The petitioner No. 1 was displaced on account of highhandedness of the informant only for a couple of months. It is submitted that the informant forcibly compelled the petitioner to resign at gun-point and, thereafter, declared himself as Principal. Whatever be the nature of allegation one thing is evident that at the period when the occurrence took place, the petitioner No. 1 was functioning as the Principal of the college. However, the said allegations can at best, be proved only at the time of trial.

So far as the materials which have come in the case diary, learned counsel for the State submits that there is enough material to indicate that the petitioner has acted in an irregular manner and had misappropriated and mishandled the money belonging to the College which had come for development purposes. It is further submitted that in stead of utilizing the same for useful purpose as indicated, the petitioner had used his place of authority to divert

and mis-utilize the said amount, which stand unexplained. The petitioner's highhandedness has also been referred in the case diary as on 23.06.2015, the petitioner along with his son and other unruly elements had reached the office of the Principal and subsequently damaged the properties and removed certain records.

Such allegations having been made, the petitioners in the opinion of this Court are not entitled for the benefit of pre-arrest bail.

Accordingly, the prayer of these petitioners for grant of anticipatory bail is rejected.

(Anjana Mishra, J)

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