

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.7433 of 2017**

Arising Out of PS.Case No. -250 Year- 2016 Thana -DUMRA District- SITAMARHI

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Dr. Upendra Kumar Choudhary, sonof late Ramashish Choudhary, resident of Mohalla-Krishna Nagar, Ward No.4, P.S.-Dumra, District-Sitamarhi.

.... .... Petitioner/s

Versus

1. The State of Bihar
2. Dr. Mamta Sinha, d/o Sri Shambu Sharan Sinha (Advocate), resident of Narya Tola, P.S.-Kazi Mohammadpur, District- Muzaffapur, posted as Principal, Ram Sevak Singh Mahila College, Sitamarhi.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Patanjali Rishi, Advocate

For the Opposite Party No.1: Mr. Pawan Kumar Chaurasiya, APP

For the Opposite Party No.2: Mr. Abhay Kumar Sinha 'Kundan', Advocate

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**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**  
**ORAL ORDER**

5/ 10-04-2017

Heard learned counsel for the Petitioner and the State.

The Petitioner apprehends his arrest in Dumra P.S.

Case No.250 of 2016 instituted for the offence under Section(s) 420, 406, 409/34 Indian Penal Code.

Dr. Mamta Sinha, Principle, RSS Mahila College, Sitamarhi, lodged a written report that vocation courses leading to Bachelor of Computer Application was started in the college in the year 2010. The then Principal, Dr. H. N. Thakur, was the Director of the said course while Sri Nawal Kishore Sharma, Lecturer, Department of Mathematics was made convener of the said course. It was further alleged that Dr. Upendra Kumar



Choudhary, Head of the Department of Zoology (petitioner) was coordinator of the said course from August, 2011, and thereafter from August, 2013, Sri Nawal Kishore Sharma, Head of Department of Mathematics, became coordinator and started doing work in relation to the aforesaid vocational course. It is further alleged that in the year 2010, one Ravi Shankar, Assistant and Indrajeet Singh were appointed to look after the work of the vocational course. The informant suspected about suspicious activities of Ravi Shankar and held preliminary enquiry and found that aforesaid Ravi Shankar in collusion with other accused including this petitioner have defalcated lacs of rupees of the aforesaid course. A show cause notice was issued to Ravi Shankar, Assistant and Indrajeet, Peon, Dr. Nawal Kishore Sharma and this petitioner. Other three accused persons gave reply to the show cause notice but no reply was given by this petitioner.

It has been submitted on behalf of the petitioner that immediately on receipt of letter dated 07.09.2016 from the Principal of the College, the petitioner submitted his reply on 05.10.2016 stating therein that he was only doing routine work as coordinator of the course, in question. He never did any financial work. He enquired from the Assistant concerned, Ravi Shankar,



regarding alleged defalcation, who by his letter dated 20.09.2016, informed that all the relevant paper is with Director, Vocational Courses of BRA Bihar University and he has no knowledge about the same (Annexure-2 series).

It has further been submitted by the counsel for the petitioner that as per letter dated 07.12.2013, CCDC of BRA Bihar University, and as per agenda item no.5, mode of fund operation of vocational courses in the colleges, which was previously being done by the Director and Finance Officer, will now be operated by the Principal and Bursar of the Colleges.(Annexure-3)

Counsel for informant has already appeared *suo motu*. The petitioner was, accordingly, directed to implead the informant as Opposite Party No.2 and he was directed to file Counter Affidavit, if any.

Case diary has been received in this case.

From perusal of the case diary, it appears that further statement of the informant and other witnesses have not been recorded by the police till date.

The learned APP has pointed out statement of one Navneet Kumar, who is Head Assistant of the College, wherein, he has stated that all the papers with regard to this case is with the



informant.

In such circumstances, this application is disposed of with direction that in the event of surrender of the petitioner, named above, within four weeks from today in connection with Dumra P.S. Case No.250 of 2016, he shall be released on **provisional anticipatory bail till submission of charge-sheet** on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Sitamarhi, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions that (i) the petitioner will fully co-operate with police in investigation and will appear before the police as and when required during investigation; (ii) petitioner will not tamper with the evidence during investigation; and (iii) both bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(Sanjay Priya, J)

JA/-

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