

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49007 of 2017

Arising Out of PS.Case No. -1472 Year- 2014 Thana -NAWADAH COMPLAINT CASE District-
NAWADA

=====

Anand Deo Pandey, S/o Late Ishwari Dutt Pandey, Principal Intermediate
Mathurasini College, at Rajauli, P.S.- Rajauli, District- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Leela Kumari W/o Ranjit Singh, Member, Lecturer and Teacher,
Intermediate Mathurasini Mahavidyalay, Rajauli, District- Nawada.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Nilesh Kumar

For the Opposite Party/s : Mr. Sri Amrendra Prasad

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

2 18-10-2017 Heard both sides.

The petitioner apprehends his arrest in Complaint
Case No. 1472 of 2014 registered for the offences punishable
under Sections 467, 468, 471, 406 and 120B of the Indian Penal
Code.

The complainant claims, herself, to be a professor
and teachers representative of Intermediate Madhurasini College,
Rajauli. The complainant alleged that the petitioner along with
Secretary and other professors and staff of the intermediate college
misappropriated Rs. 3332066/- of the college fund. It is alleged
that two buildings were constructed from the MLA fund, but the



cheques were issued in favour of Ravindra Prasad, Akhilesh Kumar, Arvind Kumar and Sudhir Kumar accused no. 3 to 6 of the complaint petition, who withdrew the amount from PNB, Rajauli.

Learned counsel for the petitioner submits that the petitioner is Incharge Principal of the college. There is a dispute between the college teachers. One Complaint Case No. 797 of 2013 was filed by Vyas Kumar, a non-teaching staff of the college, making same and similar allegation, but the aforesaid complaint case was dismissed under Section 203 of the Code of Criminal Procedure. It is further submitted that Rajauli P.S. Case No. 171 of 2014 was registered under Sections 406, 409, 420, 467, 471 and 468 of the Indian Penal Code against the petitioner and others making almost same and similar allegation of misappropriation and defalcation of the college fund in the garb of construction of college building, but the police after investigation submitted final form. After acceptance of final form, protest petition was treated as complaint petition and the same is still pending for enquiry. Almost on the same and similar allegation, the present complaint case is filed in which processes were issued against the petitioner and other accused persons. There is no material on record to show that the petitioner has defalcated any amount. It is a sheer fig of imagination of the complainant.



On the other hand learned counsel for the complainant vehemently opposed the prayer for anticipatory bail of the petitioner and submitted that one of the co-accused namely Arjun Chanchal, the Secretary of the college has been granted regular bail vide order dated 20.09.2017 passed in Cr. Misc. No. 45780 of 2017.

Having considered the facts it appears that prior to lodging of this case one Vyas Kumar, a non-teaching staff of the college, lodged Complaint Case No. 797 of 2013 against the petitioner and the Secretary of the college, making almost same and similar allegation of defalcation and misappropriation of college fund. Again another staff of the college lodged Rajauli P.S. Case No. 171 of 2014, registered under Sections 406, 409, 420 and other Sections of the Indian Penal Code making same and similar allegation, but the police after investigation found the case false and submitted final form. After acceptance of final form, protest petition was treated as complaint petition and the same is still pending for enquiry and, this is the third case in sequence.

Considering the facts aforesaid I find that the petitioner being Principal of the college deserves anticipatory bail. Accordingly, the same is allowed, the petitioner above named in the event of his arrest or surrender before the court below within a



period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada in Complaint Case No. 1472 of 2014, Subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

KKSINHA/-

U		T	
---	--	---	--

