

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60931 of 2017

Arising Out of PS.Case No. -286 Year- 2016 Thana -DUMRA District- SITAMARHI

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Mahanth Ram Mohan Das @ Ram Mohan Das, Chela of Late Mahanth Ram Sundar Das, Sri Ram Janki Math, Paktola Tole Bhataulia Math, P.S. Dumra, District - Sitamarhi but in the F.I.R. it is written as Ram Mohan Das, Son of Late Ram Lakhan Singh, resident of Village - Paktola Bhataulia, P.S. - Dumra, District - Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Thakur, Advocate.
Ms. Madhubala Verma, Advocate

For the opposite party No.2 : Mr. P.N. Shahi, Sr. Advocate.
Mr. Ritesh Kumar, Advocate
Mr. Sanjeev Kumar, Advocate

For the State : Mr. Nawal Kishore Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 06-02-2018 Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the opposite party No. 2.

The petitioner apprehends his arrest in **Dumra P.S. Case No. 286 of 2016** instituted for the offence under Sections 166, 406, 40-9, 120B, 467, 468 and 471 of the Indian Penal Code.

It is alleged in the complaint petition which was sent to Police Station under Section 156(3) Cr. P.C. that Ram Janki Math in village Paktola is registered under *Bihar Religious Trust Board* bearing Registration No. 427. The Math was acquired by



Bihar State Religious Trust Board in the year 1950-51. The ex Mahant Ram Sundar Das got permission from Religious Trust Board to sell the 5 Acre of land for construction of building of temple and during his life time he constructed the building and died in the year 2013. The State Government acquired 40 Acre of land in aforesaid village for construction of SSB headquarter and during the life time of ex-Mahanth, the Math received compensation of Rs.1,74,39,880/- and 1.54 crores with 1,00,000/- for trees. The then Mahanth obtained cheques in his name and deposited cheque in his account as well as in the account of this petitioner in different banks, which was objected by Sri Kishore Kunal, former Administrator of Religious Trust Board. He wrote a letter to the Central Bank of India, Sitamarhi (Annexure-8) to stop transaction of the said account by the Ex-Mahanth. The ex-Mahanth however withdrew Rs. 70 lacs for his personal use and the remaining amount was seized in the Bank. The Ex-Mahanth subsequently died on 8.3.2013. The petitioner after death of Ex-Mahanth declared himself as Mahanth of the Math on the basis of forged papers. The Religions Trust Board did not recognize the petitioner as Mahanth.

The counsel for the petitioner has submitted that instant case has been filed by private person. The Bihar Religious



Trust Board has not filed any complaint against the petitioner making allegation that he in collusion with the Branch Manager of the Bank withdrew more than Rs.25,00,000/- and misappropriated the amount.

This Court after looking into Annexure-8 finds that the aforesaid Math is registered under Bihar State Religious Trust Board. The letter was written by the then Administrator of the Religious Trust Board, Sri Kishore Kunal to the Bank to not allow transaction of the money by the petitioner from the account of Math. But no complaint has been filed by the Bihar Religious Trust Board with regard to misuse of money from the account of the Math by the petitioner.

Learned counsel for the petitioner has submitted that money has properly been spent for proper upkeep of the Math as per requirement.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with **Dumra P.S. Case No. 286 of 2016**, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned **Additional Chief**



Judicial Magistrate, Sitamarhi, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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