

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9683 of 2019

Arising Out of PS. Case No.-200 Year-2015 Thana- SIMRI District- Buxar

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1. SHAMBHU NATH KUMAR Son of Late Juit Kumar R/o Dumari, P.O.-Dumari, P.S- Simari, Dist- Buxar, Presently Posted as Incharge Principal of D.K.M. college, Buxar
 2. Chotak Kumar son of Vishwa Nath Kunwar R/o village- Vichla Tola, P.O.-Dumari, P.S- Simari, Dist- Buxar. Presently posted ad Head of Department of English , D.K.M. College, Buxar
 3. Awadhesh Tiwari Son of Late Ramashray Tiwari R/o Nainijor, P.O and P.S- Nainijor, Dist- Buxar, Presently posted as Clerk, D.K.M. College, Buxar
 4. Ganesh Kumar Son of Late Shyam Deo Kunwar R/o Dumari , P.O.-Dumari, P.S- Simari Dist- Buxar, Presently posted as Head of Department of Political Science, D.K.M. College, Buxar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashi Bhushan Singh

For the Opposite Party/s : Mr.Ajay Mishra

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

6 18-06-2019 Heard learned counsel for the parties.

The petitioners are apprehending their arrest in connection with Simari P.S.case No.200 of 2015 dated 21.10.2015, registered for offences punishable under Sections 419, 420, 406, 467, 468, 353 506/34 of the Indian Penal Code.

Allegation against the petitioners is that the petitioners without the knowledge of the informant, who is the Principal of the College, has collected the amount from the students, as deposited the amount to the University, and prepared OMR



sheet from, though the informant is the Principal of the College.

Learned counsel for the petitioners has drawn my attention towards Annexure nos. 2, 3 and 4 and submitted that the Annexure no.2 is the resolution of the Syndicate, which has decided to stop the financial power of the informant and the petitioner no.1 was made Incharge Principal of the College and the same was also informed by Annexure no.3, which is letter of the Registrar and further Annexure no.4 also discloses that the petitioner no.1 was Incharge Principal of the College and in that capacity he has collected fee and prepared OMR sheet and deposited in the Bihar School Examination Board.

Heard learned A.P.P. and the learned counsel for the informant. They have opposed the prayer for bail on the ground that Annexure nos. 2 and 3 have already been recalled by the University and the informant was made principal of the College prior to lodging of this case, as such there are *prima facie* case against the petitioners. .

Having heard both sides and in view of the facts and circumstances, as stated above, it appears to be a dispute between the petitioners and the informant with respect to



principalship of the College and there are some documents in favour of the petitioners and considering the same, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of six weeks from the date of receipt of order be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM IV, Buxar in connection with Simari P.S.Case No.200 of 2015 dated 21.10.2015, subject to condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

With the aforesaid direction, this application is allowed.

(Vinod Kumar Sinha, J)

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