

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42631 of 2019

Arising Out of PS. Case No.-113 Year-2019 Thana- LALGANJ District- Vaishali

Dr. Mukteshwar Narayan Singh Son of Late Ram Yogendra Singh, Resident of Village - Dadanpur, Post and P.S.- Pirmaker, District- Saran, at present, Principal, Awadh Bihari Singh College, Lalganj, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh

For the Opposite Party/s : Mr.Ram Naresh Ray

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 10-07-2019 Heard both sides.

The petitioner apprehends his arrest in Lalganj P.S. Case No.113 of 2019 registered under Sections 406, 409, 420, 467, 468 and 471 of the Indian Penal Code.

In sum and substance, the allegation against the petitioner is that the petitioner being the Principal of A.B.S. College, Lalganj illegally transferred three cheques worth Rs.2,01,600/-, Rs.1,01,625/- and Rs.95,000/- in the personal account of co-accused Dr. Sarvajeet Singh. Petitioner being the Principal of the college was not authorized to transfer any amount related to B.C.A. without consent of University. On such, a Committee was constituted. The Committee submitted its report and the petitioner was put under suspension.



Learned counsel for the petitioner submits that the enquiry report was submitted but the informant or any official of the University did not lodge any criminal case against the petitioner. It is further submitted that the petitioner moved before this Court in CWJC No.9723 of 2017 against the order of his suspension on the ground that the Secretary of the college has got no power to suspend the petitioner from the post of Principal of the college but the order passed in the aforesaid writ petition was not complied with and thereafter the petitioner again filed petition for initiation of contempt proceeding. Ultimately, the order was passed but at the same time the authority was directed to lodge the case. It is further submitted that Dr. Sarvajeet Singh has already deposited the entire amount in the account of the college and not a single farthing has been embezzled but even then the present criminal case has been lodged against the petitioner.

Having considered the facts that, of course, the petitioner issued some cheques in the name of Dr. Sarvajeet Singh (co-ordinator of B.C.A course of the college) but when Dr. Sarvajeet Singh was served with show-cause, Dr. Sarvajeet Singh himself deposited the entire amount in the account of the college, the above named petitioner, in the event of his arrest or



surrender before the learned 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 C.J.M., Vaishali in connection with Lalganj P.S. Case No.113 of 2019, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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