

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 21865 of 2020

Arising Out of P.S. Case No.-73 Year-2019 Thana-Magadh University District-Gaya

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1. Krishnadeo Prasad Verma @ Krishna Nandan Verma, son of Ram Lakhan Prasad, resident of village- Ghungritar, Police Station- Gaya, District- Gaya.
 2. Devendra Prasad, Son of late Dularchand Kapirama, resident of village- Gaya, Police Station- Gaya, District- Gaya.
 3. Sushil Kumar, son of Ram Ratan Singh, resident of village- Domuhan, Police Station- Bodhgaya, District- Gaya.
 4. Saroj Kumar @ Saroj Kumar Singh, son of late Narayan Prasad Singh, resident of village- Swamajpuri, Police Station- Gaya, District- Gaya.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner	:	Ms. Nivedita Nirvikar, Advocate
		Mr. Arya Achint, Advocate
For the Opposite Party	:	Mr. Ram Sevak Chaudhary, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 20-07-2020 Filing through email of the present application has been accepted in view of the out-break of COVID-19 Pandemic and has been posted before me for hearing through video conferencing.

The application is apparently not in accordance with the provisions prescribed under the Patna High Court Rules, which do not contemplate filing of application through email. In spite of that, considering the extra-ordinary situation, filing of



the present application has been allowed through email.

Considering the situation prevailing, the Court has considered, for the present, to ignore the deficiency in filing of the application.

Heard Ms. Nivedita Nirvikar, learned counsel for the petitioners and Mr. Ram Sevak Chaudhary, learned Additional Public Prosecutor for the State.

The petitioners seek pre-arrest bail in connection with Magadh University P.S. Case No. 73 of 2019 registered for the offences punishable under Sections 406, 409, 420, 467, 468, 471 and 120B of the Indian Penal Code.

Learned counsel for the petitioners submitted that the petitioners are officers in different department of Magadh University. They have been implicated in this case with a vague allegation. In spite of several teams of inspection and the Committee constituted by the State Government as well as Chancellor of the Universities, there is absolutely no allegation of committing any forgery of any document. She further contended that the petitioners have no criminal antecedent and if granted pre-arrest bail, they are not likely to abscond or tamper with the evidence. She also contended that the inspection team of the petitioners had only recommended for temporary



affiliation and this recommendation was put before the college affiliation committee and then to Academic Council thereto Senate and then to syndicate, the Apex Body of University for its scrutiny and analysis of the contents and the averments made in the inspection report. Altogether five inspection reports were submitted earlier but, neither any objection was raised nor any enquiry was ordered by the University and, finally, it is for the State Government either to accept or to reject the approval and the forwarding of the University and, thus, it does not make any criminal liability upon the members of the inspection team.

Opposing the application for grant of pre-arrest bail to the petitioners, learned counsel for the State submitted that on 10.10.2018, an application for granting affiliation to the Balmiki Evening College, Geeta Nagar, Nawada was received to the University by the Two Members Committee of the Syndicate. This was done on the basis of fee deposited by the College for the same. Accordingly, Committees were constituted on different dates. On the basis of last enquiry dated 16.11.2018, the Syndicate of the University decided to grant permanent affiliation of the college for the Session 2017-18 vide letter no. 22.12.2017. The permanent affiliation of the college as recommended by the University was, however, rejected by the



State Government. He further contended that there is allegation of giving a misleading report in respect of the land of the college by the committee of which the petitioners were member.

Be that as it may, regard being had to the nature of allegation and defence taken by the petitioners as also the fact that the petitioners have got roots in the society and are not likely to abscond or tamper with the evidence, they are directed to be released on bail, in the event of their arrest or surrender, on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M-9th Gaya in connection with Magadh University P.S. Case No. 73 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Since, there is a State wide lockdown, the Court has considered it appropriate to adopt the following procedure for communication of the present order :-

- (i) The order, which has been dictated during the course of proceeding of the virtual court, shall be communicated to me on my email by the Sr. Secretary.
- (ii) The corrected copy of the order shall be transmitted



by me from my email id to the Sr. Secretary, which shall be treated to be an authentic copy of the order passed by this Court in the present proceeding.

- (iii) Hard copy of the order duly signed by me shall be preserved in my residential office for documentation and future use, if any.
- (iv) Let a copy of the order be sent to Ms. Nivedita Nirvikar, learned counsel for the petitioners also on her email.
- (v) Let steps be taken by the Sr. Secretary/registry for up-loading of the present order without compromising with the norms of social distancing.

(Ashwani Kumar Singh, J)

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