

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43919 of 2019

Arising Out of PS. Case No.-79 Year-2017 Thana- MAGADH UNIVERSITY District- Gaya

SRI MAHANTH RAMESH GIRI Son of Late Mahanth Satanand Giri
Resident of Bodhgaya Math, P.S.-Bodhgaya, District-Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Alok Kumar Sinha, Senior Advocate Mr. Bhola Kumar, Advocate
For the Opposite Party State:		Mr. R.B.Roy 'Raman', APP
For the Religious Trust Board :		Mr. Ganpati Trivedi, Senior Advocate Ms. Aishwarya Shree, Advocate
For the Informant	;	Mr. Surendra Kumar Singh, Advocate Mr. Tabish Sharfuddin, Advocate

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

13 21-01-2020

Heard learned counsel for the parties.

This application for anticipatory bail arises out of Magadh University P.S. Case No. 79 of 2017 for the offence punishable under Sections 406, 420, 467, 468 and 120B of the Indian Penal Code.

The petitioner is the Mahanth of Bodh Gaya Math. On the allegation that he had issued a false certificate to the effect that the land appertaining to Khata No. 58 having several plots admeasuring 25 acres were standing in the name of Late Kripa Sankar Giri, Chela of Late Mahanth Sidhnath Giri of Bodh Gaya Math and that the land in question was for his personal use and the same did not have any connection with the Math the First Information Report was filed. The informant,



who claimed to be a former Secretary-cum-Member of Bodh Gaya Math Nyas Samiti, lodged the First Information Report with the allegation that the said certificate was issued by the petitioner to plunder the property of the Math.

I have heard learned Senior Counsel appearing on behalf of the petitioner and learned Senior Counsel representing the Bihar State Religious Trust Board. I have also heard learned Additional Public Prosecutor and learned counsel representing the informant.

This is to be noted that provisional anticipatory bail was granted to the petitioner during the pendency of this case by an order dated 17.07.2019. There is no material to suggest any misuse of the said privilege granted to the petitioner.

The petitioner's application for his release on anticipatory bail has been strongly resisted by the Board and the informant by filing counter affidavits.

A reply has been filed on behalf of the petitioner to the counter affidavit filed on behalf of the Board on 06.01.2020 making following statement in paragraph 3 : -

“That the statements made in paragraphs-4 of the instant counter affidavit is incorrect. The petitioner has not given any certificate to Sidhha Nath Giri rather the alleged certificate is a manufacture document which was



created with ulterior motive by using signature of the petitioner which was signed by the petitioner on blank papers for submitting the same in civil litigations pending against the Math. The petitioner has no nexus with any act of omission and commission done on the basis of the alleged certificate. Moreover, it is highly doubtful that when the predecessor of the petitioner had given certificate to him and when Siddha Nath Giri he had already got certificate from his predecessor then what was the need to obtain a fresh certificate from the petitioner.”

It is, however, the plea of the petitioner that the land in question is not the property of Bodh Gaya Math.

Be that as it may, considering the nature of controversy leading to lodging of the First Information Report, in my opinion, a case for grant of anticipatory bail is made out.

It has been argued on behalf of the Bihar State Religious Trust Board that steps have been taken for removal of the petitioner from the post of Mahanth of Bodh Gaya Math on the allegation of misconduct.

Taking into account the aforementioned stand of the petitioner, this application is allowed.

The provisional anticipatory bail granted to the petitioner during the pendency of this case by order dated 17.07.2019 is hereby confirmed.



This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Pawan/-

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

