

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26775 of 2019

Arising Out of PS. Case No.-164 Year-2018 Thana- BIHTA District- Patna

=====

RAMESH PRASAD VERMA Son of Late Vyas Prasad Verma Resident of Village- Doghra, P.S.- Bihta, District- Patna, at present Principal of Chandradeo Prasad Verma College Simari, Bihta, District- Patna.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Argha Nand Sharma Son of Late Sarbanand Sharma Resident of Village- Samasthu Asthan Bihta, P.S.- Bihta, District- Patna.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Navin Prasad Singh, Advocate
For the Opposite Party/s	:	Mr. Rajendra Prasad Nat, APP
For the O.P. NO. 2	:	Mr. Vikram Deo Singh, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

8 17-11-2021 Heard Mr. Navin Prasad Singh, learned

Advocate for the petitioner and Mr. Vikram Deo Singh

for the opposite party no. 2.

This is an application seeking cancellation of

bail granted to opposite party no. 2 by order dated

20.12.2018 passed in Cr. Misc. No. 72678 of 2018.

The opposite party no. 2 was alleged to have

dilly-dallied in handing over the charge of Principal to the

next incumbent and had also collected fee from the

students, who ultimately could not appear in the



examination because the Institution was not affiliated to the university.

It was argued on behalf of opposite party no. 2 at the time of grant of bail that the entire amount so deposited by the students was further deposited in the account of the college and such amount had not been embezzled or siphoned off.

The present application has been filed for cancellation of the bail on the ground that the statement regarding the money deposited by way of fee having been deposited in the bank account running in the name of the college was an incorrect statement. The fee in question was deposited in a bank account which stood in the name of the opposite party no. 2 and one Lallan Prasad, who is alleged to be one of the close associates of opposite party no. 2.

In response to the aforesaid averment, Mr. Vikram Deo Singh, learned Advocate for the O.P. No. 2 has submitted that initially a bank account had been



opened in the name of the college. However, since the college was being run by a committee and there was some difference of opinion, that account became inoperative as it was seized.

Later, in order to facilitate the parking of the money which was collected, another account was opened from which all the transactions of the college was being made. Only a few withdrawals have been made of meager amount and that also for making payment to persons who have worked for the college.

It has been submitted by opposite party no. 2 that till date, the entire amount lies in that account and the same is not being operated by him in any manner whatsoever.

Considering the aforesaid explanation, the prayer for cancellation of bail of the petitioner is hereby rejected.

However, it is made clear that if the petitioner is found to be operating that bank account or taking out



money for his personal use till the disposal of the case, it would be open for the petitioner to approach this Court for cancellation of his bail.

With the aforesaid direction/observation, the petition is disposed of.

(Ashutosh Kumar, J)

krishna/-

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

