

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13854 of 2021

Arising Out of PS. Case No.-149 Year-2020 Thana- GOH District- Aurangabad

DR. BHOLA NATH SINGH Son of Late Jagat Narayan Singh @ Jagdhari
Singh Resident of Village - Akauna, P.S.- Goh, Distt.- Aurabagabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Rajeev Kumar Singh, Advocate
For the Opposite Party/s :	Mr. Madan Kumar, APP
	Mr. Rajesh Kumar Singh, Sr. Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 03-03-2022 Heard Mr. Rajeev Kumar Singh, learned Advocate

for the petitioner and Mr. Rajesh Kumar Singh, learned

Senior Advocate for the informant. The State is represented

by Mr. Madan Kumar, learned APP for the State.

The petitioner seeks bail in anticipation of his
arrest in connection with Goh P.S. Case No. 149 of 2020
dated 13.10.2020 instituted for the offence under Section
409 of the Indian Penal Code.

The FIR appears to have been lodged by a person
who claimed a better status than the petitioner for being
appointed as Principal of the college in question. It has been
alleged by him that he was made In-charge Principal after



the petitioner was removed from the post of Principal on grounds of financial irregularities. However, despite the asking of the management of the college, the documents concerning college and its fiscal administration was not handed over.

An inquiry also was conducted against the petitioner with respect to the irregularities committed by him and report also has been submitted. It appear to the informant, the In-charge Principal that approximately an amount of Rs. 18 lakhs has been misappropriated by the petitioner.

Learned counsel for the petitioner has submitted that the accusation in the FIR is absolutely vague and based on suppositions. He has further submitted that because of some dispute in the college, the petitioner has been removed from the post of Principal which he had held for about 18 years. He has also challenged his removal from the post of Principal which writ petition is pending. In the meantime, because of the lodging of the present case, he could not hand over all the documents which he is in possession of to the In-charge Principal or the college administration.



The petition is sought to be opposed by the present In-charge Principal of the college, who has brought on record certain documents to indicate that the petitioner had any how clung to the post of Principal despite another person being senior to him and having better claim on the post of Principal.

The matter travelled up to the Supreme Court but considering that the person who had raised the objection had died, no order was passed in that petition before the Supreme Court.

It has also been urged on behalf of the college while opposing the grant of anticipatory bail to the petitioner that huge amount has been bungled by the petitioner in his capacity as Principal for 18 long years, which amount would otherwise have been well spent on the up-keep and infrastructure of the college in question.

The learned counsel for the petitioner has submitted that mere presence of the present In-charge Principal in the Court for opposing the prayer for anticipatory bail speaks volumes about the internal dissensions and dispute in the college with respect to the principalship.

He further submits that even the inquiry report does not categorically state about any bungling in the financial



matters. For coming to any conclusion, the report further indicates, intense investigation is required to be made.

It has further been submitted that from a bare perusal of the FIR, it would appear that the only allegation which has been levelled against the petitioner is of not handing over the relevant documents relating to fiscal management of the college and because of that, only a vague assessment was made by the learned counsel for the informant about the possible quantum of amount so embezzled.

The learned counsel for the petitioner has submitted that such accusation is based only on the guess-work of the informant and the present In-charge Principal.

For the reasons aforestated the petitioner is directed to be released on on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad in connection with Goh P.S. Case No. 149 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

However, the petitioner is cautioned that should he



not participate in the investigation fully, it would be open for either the investigator or the management of the college to approach the court below for cancellation of his bail. In that event, the court below shall proceed forthwith for cancellation of bail of the petitioner after observing all necessary formalities.

The petitioner shall also immediately hand over all the documents which he is in possession of and for that necessary receipts shall be given to him by the college administration.

The petition stands disposed off accordingly.

(Ashutosh Kumar, J)

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