

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20624 of 2020

Arising Out of PS. Case No.-159 Year-2019 Thana- AGIAON District- Bhojpur

JITENDRA KUMAR PANDEY Son of Late Sachita Nand Pandey Resident
of Village-Barap, P.S.-Agiaon (Garhani), District-Bhojpur, Ara.

... .. Petitioner

Versus

1. The State of Bihar
2. Veer Kunwar Singh University, Ara through its Registrar Ara, Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Sunil Kumar Singh Mr. Sarvadeo Singh, Adv.
For the Intervenor	:	Mr. Surendra Kumar Singh, Adv Ms. Tulika Singh, Adv.
For the VKSU	:	Mr. Ritesh Kumar, Adv.

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

CAV ORDER

14 11-04-2022 I have already heard the learned counsel for the
petitioner as well as learned Additional P.P. and the learned
standing counsel for Veer Kunwar Singh University, Ara.

The petitioner apprehends his arrest in connection
with Agiaon (Garhani) P.S. Case No. 159 of 2019, registered for
the offences punishable under sections 406 and 420 of the
Indian Penal Code.

The informant of this case is Dr. Shivparasan Singh
Proctor of the Veer Kunwar Singh University, Ara and the
petitioner is the Principal of Jan Sahkari College, Barap,
Garahani. As per allegation, for the Sessions 2017-20, no



affiliation was given to that college in respect of subjects Geography and Home Science. In the meeting of Council of the University dated 20.05.2017, a decision was taken that till the above-mentioned college is not provided affiliation after fulfilling the parameters fixed by the committee, no nomination will be taken in above-mentioned subjects. It was also decided in the meeting that if the decision is flouted, the Principal of the College will be responsible. This decision was communicated to the Principal vide memo No. C/947/Estab/ 17 dated 08.06.2017. The petitioner violating the decision of the Council had taken admission for the Sessions 2017-20 illegally and also realized fee from female students and students belonging to Scheduled Caste and Scheduled Tribes, violating the direction of State Government. The University sent a letter dated 30.07.2019, letter No. 2104/Estab/19, directing the Principal to return the fee illegally realized from the female students and the SC/ST category students, but the direction was violated and fee was not returned.

The learned counsel for the petitioner has submitted that petitioner is innocent and he has falsely been implicated in this case. Jan Sahkari College, Barap is a very old college and it has been affiliated with Veer Kunwar Singh University, Ara. The



affiliation was also given for the subjects Geography and Home Science but it was expired, as such, it is only a matter of extension and not of a fresh affiliation. He has further submitted that the College has applied for extension of affiliation for the subjects of Home Science and Geography. He drew my attention towards letter dated 13.04.2016 memo C/479/Estab/, whereby the Principal was required to deposit prescribed fee for inspection by the inspecting party for determination of the parameters for Sessions 2016-19. The College deposited the fee Rs. 55,000/- on 09.10.2017 and that receipt whereof has been annexed with the record. Again Rs. 50,000/- was deposited on 30.10.2019 in compliance of letter No. C/2676/Estab/19 (Annexure-A/2), but despite that the affiliation has not been extended by the University.

Learned counsel for the University has submitted that the affiliation is provided by the State Government considering the report of the University. The University had already sent its report to the State Government but the order of affiliation or rejection thereof has not been taken up till now. He has further submitted that a vigilance inquiry has been initiated by the order of State Government against the petitioner for committing a number of irregularities.



Learned counsel for the Management of the Jan Sahakari College, Barap has submitted that the petitioner has misappropriated and defalcated huge funds, in respect thereof a vigilance inquiry has been initiated.

There is allegation against the petitioner that despite he was prohibited by the University for taking admission for the subjects of Geography and Home Science for the Sessions 2017-20, he had taken admission ignoring the direction. It is an admitted fact that the extension has not been given till date. As such, the principal was not entitled to take admission for the subjects Geography and Home Science for the above-mentioned sessions. There is also allegation that despite the specific direction, he did not return the fee realized from the students belonging to female/SC/ST category. As such, I do not think it a fit case for anticipatory bail.

Accordingly, prayer for anticipatory bail of the petitioner is rejected.

(Nawneet Kumar Pandey, J)

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