

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52088 of 2022

Arising Out of PS. Case No.-4 Year-2021 Thana- BIDUPUR District- Vaishali

1. Jagdish Prasad Singh @ Prof. Jagdish Prasad Singh S/o Late Lone Lal Singh Resident of Village and Post- Mathura, P.S.- Bidupur, District- Vaishali.
2. Ravindra Prasad Rai @ Prof. Ravindra Prasad Rai S/o Pavitra Rai Resident of Village and Post- Baghra, P.S.- Mohanpur, District- Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Rama Kant Sharma, Senior Advocate Mr. Jitendra Narain Sinha, Advocate
For the State	:	Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 23-01-2023 Heard Mr. Rama Kant Sharma, learned Senior Counsel assisted by Mr. Jitendra Narain Sinha for the petitioners and learned APP for the State.

The petitioners apprehend their arrest in connection with Bidupur P.S. Case No.04 of 2021, registered for the offences punishable under Sections 120(b), 420, 467, 468 and 469 of the Indian Penal Code.

The prosecution case, in brief, is that the informant filed a complaint petition against the petitioners stating therein that the informant is a Donor, Founder-cum-Secretary of Sant Kabir Mahanth Ram Dayal Das Mahavidyalaya from the date of foundation since 1982 till 2009 and at present President of the



Governing Body of the college. The informant appointed petitioner no.1 as a Principal of the college in the year 1986 and at present he is Principal-cum-Secretary of the college and petitioner no.2 is also a lecturer of Sanskrit Department of the college. It is alleged that the account of college was being operated by both the petitioners. The admissions of students were taken in the college for the session 2019-21. Total Rs.9,85,040/- was received but Rs.4,90,000/- was deposited into the bank account of the college and remaining Rs.4,95,040/- was misappropriated by the petitioners. It is alleged that the petitioners have misappropriated Rs.3,67,05,900/- of the college from 2016.

Learned Senior Counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. It is submitted that the petitioners have got no criminal antecedent as stated in paragraph-3 of the bail application. It is further submitted that earlier also the informant/complainant has lodged an FIR against the petitioners and the police after investigation found that no case is made out against them (Annexure-3). Thereafter the complainant/informant has filed a complaint in court on 28.11.2020 on the similar allegation which was sent to police in



terms of Section 156(3) Cr.P.C. and thereafter the present case has been lodged against the petitioners. Learned Senior Counsel for the petitioners submits that in the entire case diary, no material has come against the petitioners. It is submitted that some witnesses have supported the prosecution case and some witnesses have not supported the prosecution case. It is further submitted that the informant/complainant is a *Mahanth* and he donated nine acres of land in the name of the Hon'ble Governor of Bihar out of which only three acres fifteen decimal of land is in possession of the college and remaining land is being used by the informant/complainant as private property, but the Principal of the college has not lodged any case against the said *Mahanth*.

Learned APP for the State opposes the prayer for anticipatory bail of the petitioners by submitting that there is ample evidence in the case diary to show the involvement of the petitioners in the present case.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioners on anticipatory bail. Accordingly, the prayer for grant of anticipatory bail to the petitioners is rejected.

However, if petitioners surrender before the learned court below within a period of six weeks from today and pray



for regular bail, the learned court below shall consider the prayer for regular bail of the petitioners preferably on the same day without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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