

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12405 of 2024

Arising Out of PS. Case No.-282 Year-2022 Thana- LAKHNAUR District- Madhubani

Braj Kishor Das Son of Late Prem Lal Mahto Resident of Village- Gangapur,
P.S.- Lakhnaur, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Manish Kumar No 13 Mr. Rohit Kumar
For the Opposite Party/s :		Mr.Sanjay Kumar Tiwary
For the informant	:	Mr. Ugranath Mallik Mr. Lalitesh Mani

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 14-03-2024 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Lakhnaur Police Station Case No. 282 of 2022, dated 28.12.2022, disclosing offences punishable under Sections 341/323/379/420/506/34 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report, is that the petitioner is the priest of Sri Radha Krishna Temple, situated in village Gangapur Tole Bhelwa, nominated by the Bihar State Religious Trust Board, but misusing his official position as the priest, the petitioner defalcated and misused the property of the Temple worth lakhs of rupees and settled the vacant land of he Temple



illegally and defalcated the amount of settlement also.

4. Learned Counsel for the petitioner submits that the petitioner was appointed as the Priest by the Bihar State Religious Trust Board. The uncle of the petitioner was the Mahant and the petitioner has been performing puja in the temple since long. Earlier, before taking over of the Temple, in question, and formation of the Managing Committee of the trust of the Temple, the petitioner was the priest and performing puja. The informant, in his personal capacity, had lodged two First Information Reports against the uncle of the petitioner and the petitioner, the details of which has been mentioned in paragraph 3 of this application. The amount of defalcation and the period of defalcation have not been mentioned clearly and the same is vague in the First Information Report. The petitioner submits that except the informant, no other member of the Trust/Managing Committee of the Temple, has complained against the petitioner.
5. On the other hand, learned Counsel for the informant, who is the vice President of the Managing Committee of the Trust of the Temple, vehemently opposes the prayer for anticipatory bail and submits that the petitioner has



been trying to grab the property of the Temple, in question. The petitioner has criminal antecedents and three cases were lodged against him earlier for misusing the property of the Temple. The petitioner is a habitual offender and indulged in misuse of the property of the Temple since long. He produced before this Court the order, dated 17.03.2023, passed by the Chairman of the Bihar State Religious Trust Board, by which the Board has taken note of the misdeeds of the petitioner and has directed to terminate the petitioner from the post of Priest of the Temple, in question.

6. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the nature of allegation and the order of termination of the petitioner as a Priest by the Bihar State Religious Trust Board, dated 17.03.2023, and the fact that the petitioner has three criminal antecedents, I am not inclined to grant the petitioner privilege of anticipatory bail.
7. This application is, accordingly, dismissed

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

U	✓	T	✓
---	---	---	---

