

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21150 of 2024

Arising Out of PS. Case No.-100 Year-2023 Thana- SARAI RANJAN District- Samastipur

Shambhu Jha @ Prof. Shambhu Jha S/o Jagdish Jha R/o Vill - Jahangirpur,
P.S. - Ghaighat, Dist. - Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Advocate

For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-04-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Sarai Ranjan P.S. Case No. 100 of 2023, G.R No. 1109 of 2023 for the offence punishable u/s 420, 406, 353, 467, 468, 472, 473, 504 and 506 of the Indian Penal Code.

3. As per the prosecution case, allegation against the petitioner is that while working as Professor in K.S.R.I College, he procured user ID and password of the Principal and by misusing the same defalcated an amount of Rs. 40 lacs.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner is Professor of Commerce Department of K.S.R.I College and he is one of the senior most Professors in



the said College and is entitled for promotion to the post of Principal in the said College according to rules and regulations. The petitioner raised the issue of illegal appointment of the earlier Principal Pawan Kumar Choudhary, present Principal, the complainant herein, and some other persons before the Bihar School Examination Committee, Patna. The appointment of the earlier Principal and the present Principal is illegal. As no action was taken against these two persons, the petitioner has filed an appeal before the District Appellate Tribunal bearing Appeal Case No. 53 of 2023 which is still pending. During the period as alleged by the complainant for defalcation, Pawan Kumar Choudhary was the Principal but he never made any complaint against this petitioner. The petitioner never used the user ID and password of the K.S.R.I College. Learned counsel further submits that the earlier Principal and the account operator in collusion with the present Principal defalcated the huge amount and to save themselves, falsely implicated this petitioner in this case. The petitioner has got no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances of



the case and considering the doubtful nature of allegation and further considering strong possibility of false implication, let the petitioner above named, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Court concerned, Samastipur in connection with Sarai Ranjan P.S. Case No. 100 of 2023, G.R. No. 1109 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Arun Kumar Jha, J)

Prakash/-

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