

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56435 of 2023

Arising Out of PS. Case No.-269 Year-2021 Thana- MOHIUDDIN NAGAR District-
Samastipur

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Nirmlendu Kumar Singh, aged about 73 years (Male), S/O Late Bhupendra Prasad Singh, Resident of Mohall-Urmila Dension Sidhrathpuram, Road No. 2, Balu Mandi, Ram Dayalunagar, P.S. Muzaffarpur, District Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner	:	Mr. Pramod Kumar Singh, Advocate
For the Informant	:	Mr. Abhay Shankar Singh, Advocate
For the State	:	Mr. Rajendra Nath Jha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

6 13-02-2024 Heard learned counsel for the petitioner, learned counsel for the informant and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Mohiuddin Nagar P.S. Case No. 269 of 2021 dated 20.12.2021 registered for the offences punishable under Sections 406, 409, 467, 468, 120B, 504 and 506 of the I.P.C.

3. As per the prosecution case, the petitioner even after retirement had been doing work on the post of Principal and misappropriated the college funds by issuing cheques in the name of unauthorized persons, who got no concern with the college. In the year of 2001-2006, the co-accused Manoj Kumar



Tiwari being elected Mukhiya had been working as Lecturer at the same time in the said College. The petitioner and the co-accused persons threatened to kill the complainant.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. The petitioner was a Principal of Krishnadeo Sobhelal Singh College, Kunj Mohiuddinnagar from the year 1984 to 2018 and after retirement from the service in the age of 67 years, he has been nominated as a Chairman in this college. It is submitted that neither the petitioner has misappropriated the government money nor made any forged documents for the purpose of receiving money or to get any benefit rather the fact is that Parmanand Singh, the father-in-law of the informant is donor and founder member of the said college. As per rule of B.S.E.B. (Senior Secondary) Affiliation Regulation 2011, a Managing Committee were constituted for the function of the college. The Chairman has called an emergency meeting and thereafter, without giving any show cause notice to the petitioner, they have nominated one Sudha Devi as a Principal of the said College but as per Rule of B.S.E.B. Regulation, Section 17 Rule (VII), no Headmaster/Principal shall be appointed in the school who is relative of any member of the



school Managing Committee but without any legal certificate the informant was nominated as Principal and as a Principal the informant withdrew more money from the Bank and she used this money for own purpose. The petitioner has been nominated as a Chairman, thereafter, he has filed an application before the S.D.O. Thereafter, the matter was enquired and found that all certificates are forged and fabricated and her appointment is also illegal and the informant withdrew more money from the Bank and she used this money for own purpose. Thereafter, the petitioner has lodged Mohiuddin Nagar P.S. Case No. 272 of 2021 on 22.12.2021 against the informant and others. It is further submitted that neither the petitioner has used college fund nor he has committed breach of trust in respect of the asset and only to save her skin, this false case has been lodged and in audit report the auditor has given clean chit to the petitioner. Learned counsel for the petitioner has further relied upon the case of *Priyanka Srivastava and Anr Vs. State of Uttar Pradesh and Ors., reported in (2015) 6 SCC 287*, paras 30 and 31. 87The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

5. Learned A.P.P. for the State and the learned counsel for the informant have opposed the prayer for anticipatory bail



of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, 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/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court concerned, Samastipur, in connection with Mohiuddin Nagar P.S. Case No. 269 of 2021, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition:-

I. The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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