

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72012 of 2023

Arising Out of PS. Case No.-303 Year-2022 Thana- AIRPORT District- Patna

1. Jagat Narayan Sharma S/O Late Nageshwar Rai R/O Village- Kewtaliya, P.S- Darauli, Distt.- Siwan Presently Resident Of Bihar Sanskritik Vidyapith, Raza Bazar, Patna-14.
2. Devesh Sharma S/O Sri Jagat Narayan Sharma R/O Village- Kewtaliya, P.S- Darauli, Distt.- Siwan Presently Resident Of Bihar Sanskritik Vidyapith, Raza Bazar, Patna-14.
3. Subhash Tiwari S/O Late Ramchandra Tiwari R/O Village- Bharsar, P.S- Bankata, Distt.- Deoria (U.P), At Present Residing At Bihar Sanskritik Vidyapith, Raza Bazar, Patna-14.
4. Mahanth Divyanand S/O Late Mahanth Akhilanand R/O Village- Khaddi Lodipur, P.S- Telhara, Distt.- Nalanda At Present Residing At Bihar Sanskritik Vidyapith, Raza Bazar, Patna-14.
5. Ritesh Kumar S/O Sri Subhash Tiwari R/O Village- Bharsar, P.S- Bankata, Distt.- Deoria (U.P) At Present Residing At Bihar Sanskritik Vidyapith, Raza Bazar, Patna-14.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mrs. Vaishnavi Singh, Advocate
For the State	:	Mr. Ajay Mishra, APP
For the Informant	:	Mr. Ramakant Sharma, Sr. Advocate Mr. Rajesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 16-04-2024 Heard learned counsel for the petitioner, learned APP
for the State and learned Senior Counsel for the informant.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 420, 406, 409, 467, 468, 471, 472, 295(A), 379 of the Indian Penal Code.

3. In the complaint petition, the allegation against



the petitioners, in sum and substance, is that they have tried to sell and capture the property of Bihar Sanskritik Vidyapith.

4. Learned counsel for the petitioners submits that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. The brother of the then Chancellor Swami Harinarayananand Jee, namely, Jagat Narayan Sharma is petitioner no.1, and petitioner no.2 is his son Devesh Sahrma, petitioner no.3 is the cousin of Ex. bodyguard of Swami jee and petitioners no.4 and 5 became nearer to Swamijee. He further submits that it is alleged that the petitioners have withdrawn Rs.5,65,000/- from the bank account of Bihar Sanskritik Vidyapith, in this regard a Writ petition is filed in this Court and this Court has stayed the transactions from the said bank account. The present complaint/F.I.R. has been lodged by the complainant/informant at the behest of witness no.1, namely, Mr. Kesvanand, who by creating forged document is trying to claim himself as Chancellor of Bihar Sanskritik Vidyapith. The present informant was made an accused in case No. C.R./I-60 of 1994 at Dwarika Police station in the State of Gujarat for the offence under section 376(2)(c), 354 and 114 of the Indian



Penal code and in the said case the present informant has remained in custody for seven years and he was convicted by the learned Trial court and was sentenced to undergo R.I. for 10 years under section 376(2)(c) of the Indian penal Code and to pay a fine of Rs.35,000/- and he was also directed to go S.I. for two years in case of non deposit of fine. Thereafter, the present informant alongwith co-convict preferred two appeals before the Hon'ble Gujarat High Court at Ahamdabad being Cr. Appeal No.322 of 1996 and Cr. Appeal No.378 of 1996 in which he was acquitted.

5. He further submits that the petitioner no.2 was/is holding the post of Manager of the Vidyapith, petitioner no.3 was a member of Sansthapak Samittee and was declared as a legal heir of Swami Harinarainanand during his life time which is communicated to all concern vide letter dated 15.01.2018. Mr. Keshavanand under right to information obtained all the previous documents including statute, bylaws and proceeding etc from the office of Registrar, Registration, Government of Bihar and after obtaining the copy of the same he is manufacturing to take over the entire property of Bihar Sanskritik Vidyapith as well as other property of late Swami Harinarainanand situated at Bari Math, Nalanda. While, late



Swami Harinarainanand was alive the said Keshvanand created a forged committee claiming himself to be Mahanth of Bari Math, Parwalpur, Hilsa and the moment late Swami Harinarainanand learnt about the same he wrote letter to Bihar Hindu Religious Trust Board not to recommend the said Managing Committee of Math because he himself is Managing the entire property of Bari Math.

6. He further submits that it is important to mention here that by creating some documents the present informant alongwith so called Chancellor, namely, Swami Keshvanand submitted document before the I.G. Registrar, Registration, Government of Bihar for making necessary registration in the bylaws of Bihar Sanskritik Vidyapith. Later on, petitioner no.1 learnt about the same he filed an objection and thereafter a regular case was registered in the Directorate of I.G. Registration, Government of Bihar and Assistant Registrar, I.G. Registration, Bihar, Patna vide his letter dated 23.03.2023 sent letter to petitioner no.1 to submit his reply on the basis of the so called application filed by Mahanth Kamal Narayan Das i.e. the present informant. petitioner in pursuance of notice under section 91 Cr.P.C. it will be evident that several title suit, police case being Title Suit No.6/2020, Title Suit



No.303/2021, Hawaii Adda P.S.Case No.141/2021, Hawaii Adda P.S.Case No.142/2021 are pending. Similarly a proceeding under section 107 Cr.P.C. was also initiated on the recommendation of Hawaii Adda Police against which Cr. Misc. No.27121 of 2022 was filed in the Hon'ble High Court for quashing the said proceeding. Similarly a criminal writ being Cr.W.J.C. No. 607/2021 was filed for giving proper protection and treatment to late Swami Harinarainanand with regard to the property of Bihar Sanskritik Vidyapith in which the Hon'ble Court passed the order dated 17.08.2021. Petitioners nos.1, 2 and 4 have two criminal antecedents and petitioners no. 3 and 5 has one criminal antecedent as mentioned in para-3 of this application.

7. Learned APP for the State as well as learned Senior Counsel for the informant opposed the prayer for anticipatory bail and submitted that the petitioners have no *locus standi* to claim the property of the Bihar Sanskritik Vidyapith. They also submitted that there is dispute between the parties and a suit is pending in the learned Court below. Learned Senior Counsel for the informant submits that informant of the present bail petition provided all the documents to the Investigating Officer of Hawaii Adda P.S.



Case No. 303 of 2022 on 04.02.2023 and 06.12.2023 and clearly stated that the petitioners have created forgery with the proceeding dated 23.01.2010 and 17.06.2010 and also withdraw Rs.5,65,000/- (Five lakhs Sixty Five thousands) from Punjab National Bank, Raja Bazar Branch. The petitioner no. 2 has also changed the registered mobile number from the bank account and given his mobile number in the account which shows his fraudulent act. Swami Keshwanand was elected Chancellor of Bihar Sanskritik Vidyapeeth, Raja Bazar, Sheikhpura, Patna by the motion of the Executive Committee and the Amsabha and letter sent to the concerned authority. Swami Keshwanand was elected Member of Bihar Sanskritik Vidyapeeth by the motion of Executive Committee and Amsabha in the lifetime of Swami Harinarayanand with the consent of Swami Harinarayanand himself. No such type of letter has been issued by Swami Harinarayanand and during investigation the police found the letter forged. It is stated that due to the objection of petitioner no. 1 the matter is pending before the authority. Swami Keshwanand was elected Chancellor of Bihar Sanskritik Vidyapeeth by motion of Executive Committee and Amsabha.

8. Having regard to the facts and circumstances of



the case and going through the records and the fact that the petitioners undertake not to sell or capture the property of Bihar Sanskritik Vidyapith and also undertake not to build any new structure on the land of Bihar Sanskritik Vidyapith as also the fact that the nature of the dispute *inter se* is civil and both the parties are directed to maintain *status quo*, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Hawai Adda P.S. Case No.303 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

9. The petitioners are directed to cooperate in the investigation as the investigation is going on.

(Anjani Kumar Sharan, J)

anand/-

U		T	
---	--	---	--

