

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18169 of 2025

Arising Out of PS. Case No.-449 Year-2023 Thana- NAUTAN District- West Champaran

Dr. Nalin Bilochan @ Nalin Bilochan @ Nalin Bilocha Son of Late
Ishwarchand Sinha Resident of Khobada Road, Near Water Tank,
Muzaffarpur, P.S.- Kaji Muhammadpur, University Thana, District -
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Chandra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 15-05-2025 Heard Mr. Shashank Chandra, learned counsel

for the petitioner and Mr. Ashok Kumar Singh, learned

Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Nautan (Jagdishpur) P.S. Case No. 449 of 2023,
F.I.R. dated 16.10.2023 for the offences punishable under
Sections 420, 406, 409, 467, 468 ad 471 of the Indian Penal
Code.

3. According to prosecution case, this petitioner along
with other accused persons in connivance misappropriated the
fund of the college.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the



present case. He further submits that as per the allegation in the F.I.R, the petitioner and other accused persons motivated to misappropriate the funds. Co-accused, Lalitesh Narayan Prasad (Principal of the college) along with other accused persons as well as the petitioner who happens to be the Secretary of the Trust manipulated the record and removed the name of Saba Khanam in the decision taken by the committee for opening the account of the college and as such by removing the name of Saba Khanam, the account was opened on the basis of sole signature of Kalapana Kumari who happens to be wife of the petitioner, for which forged documents related to decision dated 12.02.2021 were submitted with the bank for the purpose of opening the account. He further submits that an internal enquiry was conducted by two members of the said trust, namely, Satyendra Sharan and Saba Khanam who conducted the physical inspection of the college on 14.09.2023 and examined the accounts relating to the Session 2021-23 as provided by one Sachin Kumar who is the Clerk of the college. From perusal of the record it transpired that during the said session the college received about Rs. 1,03,47,960/-(Rs. One crore three lakhs forty seven thousand nine hundred and sixty) under the head of Charges and Fee but according to the bank passbook only Rs.



46,68,396/- (Rs. Forty six lakhs sixty eight thousand three hundred and ninty six) is in the saving account of the bank which includes the interest amount also. It is next alleged that the amount of Rs. 23,71,643.22/- has been withdrawn without obtaining consent from the Managing Committee/Trust and the said withdrawl has been done by this petitioner who is Secretary of the Trust in question. In sum and substance, the informant who is chairman of the trust alleged that an amount of Rs. 80,651,207/- was misappropriated by the accused persons including the petitioner in connivance with other accused persons being petitioner the secretary of the trust in question.

5. Learned counsel for the petitioner submits that from perusal of the F.I.R It appears that malicious prosecution are against the petitioner and other accused persons that the petitioner has been implicated in the present case merely on the ground that he is the secretary of the trust in question. In recent times, the petitioner as well as the informant has developed a strained relationship with each other on account of cheating and forgery done by the informant himself. He further submits that the petitioner came up with the proposal for opening and running a college in the name of his parent i.e., Ishwar Shanti College and approached the informant for donating land



pertaining to his share, on which the informant agreed but the informant instead of donating the land, leased out 510 decimal of land along with a building for establishing the aforesaid college vide Lease Deed dated 25.02.2021 at an yearly rental of Rs. 1,80,000/- and became the chairman of the trust (Annexure-2). He further submits that the college was established and the students started taking admission and the co-accused, namely, Lalitesh Narayan Prasad has taken charge as the Principal of the college and bank account in SBI was opened in the name of Smt. Kalpana Kumari @ Kalpana Kumari @ Kalpna Kumari who is wife of the the petitioner. The co-accused Kalpana Kumari after obtained necessary permission of the Managing Committee/Trust spent money in getting the building of the college constructed and for other facilities. Since college started functioning, as such, the college was granted permanent status for the year 2023-2023 by letter dated 02.06.2023 issued by the Vice Chancellor, BBABU University, Muzaffarpur. Then the co-accused, namely, Lalitesh Narayan Prasad who is principal of the college requested the informant to provide relevant document of the land so that the boundary of the land can be identified for construction of the boundary of the college. But the informant has not provided the said documents of the land



but the petitioner and co-accused, namely, Lalitesh Narayan Prasad insisted the informant to provide the said documents relating to the land by which the land was leased, then the informant had disclosed the truth that the leased land was already sold by his grandfather vide sale deed dated 10.03.1980 itself and as such, despite getting permanent affiliation, the college cannot be established on the said land and the affiliation had to be revoked on which the petitioner and other accused persons had confronted the informant saying that the informant has cheated them by leasing a land which was already sold in the year 1980 itself on which the college building has been constructed which has received permanent affiliation from the University. In the aforesaid background, the informant has filed the present F.I.R only to harass the petitioner. He further submits that one Sachin Kumar who was accountant in the college has given an affidavit that no misappropriation has taken place and it appears from the aforesaid that the informant himself committed forgery by leasing the land which was already sold in the year 1980 and apart from that the co-accused, namely, Smt. Kalpana Kumari @ Kalpana Kumari @ Kalpna Kumari has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 12.02.2025 passed in Cr. Misc. No. 4211



of 2025.

6. Learned Additional Public Prosecutor on the basis of material available on record as well as case diary has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries two criminal antecedents other than the present one but fairly submits that the petitioner is on bail in both the pending matters.

7. Considering the aforesaid facts and circumstances that the allegation of misappropriation of the fund is denied by the accountant of the college in question and apart from that the co-accused person, namely, Smt. Kalpana Kumari @ Kalpana Kumari @ Kalpna Kumari who is wife of the petitioner and also the signatory of the bank account has been granted anticipatory bail by a Co-ordinate Bench of this Court, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Bettiah, West Champaran in connection with Nautan (Jagdishpur) P.S. Case No. 449 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of



Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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