
(2021) 05 PAT CK 0097

In the Patna High Court

Case No : Criminal Miscellaneous No. 36648 Of 2020

Dr. C.P Singh @ Chakardhar Prasad Singh

APPELLANT

Vs

State Of Bihar And Anr

RESPONDENT

Date of Decision : 27-05-2021

Acts Referred:

Indian Penal Code, 1860 — Section 120B, 406, 409, 420, 467, 468, 471
Code Of Criminal Procedure, 1973 — Section 438(2)

Citation : (2021) 05 PAT CK 0097

Hon'ble Judges : Ahsanuddin Amanullah, J

Bench : Single Bench

Advocate : Nivedita Nirvikar, Anand Mohan Prasad Mehta

Final Decision : Disposed Of

Judgement

1. The matter has been heard via video conferencing.
2. The matter has been heard out of turn on the basis of motion slip being filed by learned counsel for the petitioner yesterday, which was allowed.
3. Heard Ms. Nivedita Nirvikar, learned counsel for the petitioner and Mr. Anand Mohan Prasad Mehta, learned Additional Public Prosecutor
(hereinafter referred to as the "APP") for the State.
4. The petitioner apprehends arrest in connection with Magadh University PS Case No. 73 of 2019 dated 14.07.2019, instituted under Sections 406/409/420/467/468/471/120B of the Indian Penal.
5. The allegation against the petitioner, who is one of the accused among many others, is that while being member of an Inspecting Team relating to grant of affiliation to Siya Balmiki Evening College, Gitanagar Dumrawan, in the district of Nawada, had favourably recommended the same. Further,

the allegation is that later on also the College was inspected from time to time and finally when despite a favourable recommendation for affiliation, the

State Government refused to grant the same, the matter travelled to this Court in CWJC No. 20385 of 2018 in which the Court had directed the

Education Department to get an enquiry conducted with regard to inspection reports and in such enquiry it transpired that there were many inherent

deficiencies which were not pointed out by the Inspection Teams resulting in lodging of the FIR against all persons who had been member of the

Inspection Teams at various points of time.

6. Learned counsel for the petitioner submitted that he was a member of the Inspection Team which held inspection on 19.11.2011, along with three

other persons. It was submitted that he was the then Dean, Faculty of Humanities, Magadh University, Bodh Gaya and the other members were Dean

of the Faculty of Social Sciences; Dean of the Faculty of Commerce and Inspector of Colleges (Arts and Commerce), Magadh University. Learned

counsel went through the recommendation to contend that the report was on the factual basis which the Committee had found and had recorded in the

inspection report and had recommended for affiliation of the College at least for five sessions from 2011-12 to 2015-16. It was submitted that

thereafter many subsequent inspection teams gave favourable recommendation and finally it reached the stage where pursuant to the Court's

order in the writ petition, enquiry was conducted and FIR has been lodged. Learned counsel submitted that the petitioner has since superannuated and

is leading a retired life being aged 71 years having an unblemished career. It was submitted that the recommendation was basically on factual aspects

and even with regard to an area which may have been related with the inspection report of the petitioner, that is, the long term lease deed not being

registered, in the inspection report it has been indicated that there was a long term lease deed and it was not stated that the land belonged to the

College. It was submitted that the petitioner, being an academician, was not practically aware of the technicalities that such lease was required to be

registered and thus he as well as three other members of the team also did not apply their mind on such issue and upon seeing the lease agreement for

33 years had simply noted such fact in their inspection report. It was submitted that even otherwise it was only a recommendation to the University

which was required to be processed at various levels, including the Senate and then a decision was to be taken and sent to the State Government,

which again was to apply its mind and thus, there was enough checks in the system to rectify any mistake which may have cropped up in the enquiry

report submitted by the team of which the petitioner was the member. Learned counsel submitted that the petitioner has no other criminal antecedent.

It was submitted that four accused members of the team which had conducted inspection on a later date on 29.04.2019, namely Krishnadeo Prasad

Verma @ Krishna Nandan Verma; Devendra Prasad; Sushil Kumar and Saroj Kumar @ Saroj Kumar Singh have been granted anticipatory bail by a

coordinate bench on 20.07.2020 in Cr. Misc. No. 21865 of 2020.

7. When called upon, the only contention of learned APP was that the petitioner was member of the Inspection Team which had recommended for

affiliation but the same was not factually correct and rightly he has been made accused.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender

before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five

thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-9, Gaya in Magadh University PS Case No. 73 of 2019,

subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further that one of the bailors shall be a close

relative of the petitioner. The petitioner shall cooperate with the Court and the police/prosecution. Non-cooperation would lead to cancellation of his

bail bonds.

9. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioner, to the notice of the Court

concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner.

10. The application stands disposed off in the aforementioned terms.