

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25732 of 2017

Arising Out of PS.Case No. -102 Year- 2016 Thana -C.B.I CASE District- MUZAFFARPUR

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1. Dr. Ashok Kumar Son of Dr. Lakhi Chand Prasad, resident of Village-
Telpa Marwari Colony, P.S.- Town Chapra, District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar through Cabinet Vigilance Bihar at Patna.

.... Opposite Party/s

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with

Criminal Miscellaneous No.25768 of 2017

Arising Out of PS.Case No. -106 Year- 2016 Thana -VIGILANCE District- PATNA

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1. Dr. Ashok Kumar, Son of Dr. Lakhi Chand Prasad, Resident of Village-
Telpa Marwari Colony, P.S.-Town Chapra, District-Saran

.... Petitioner/s

Versus

1. The State of Bihar Through Cabinet Vigilance, Bihar At Patna

.... Opposite Party/s

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with

Criminal Miscellaneous No.25807 of 2017

Arising Out of PS.Case No. -104 Year- 2016 Thana -VIGILANCE District- PATNA

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1. Dr. Ashok Kumar, Son of Dr. Lakhi Chand Prasad, Resident of Village-
Telpa Marwari Colony, P.S.-Town Chapra, District-Saran

.... Petitioner/s

Versus

1. The State of Bihar Through Cabinet Vigilance, Bihar At Patna

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.25732 of 2017)

For the Petitioner/s : Mr. Y. V. Giri, Sr. Advocate
With Mr. Binod Kumar Sinha

For the Opposite Party/s : Mr. Ramakant Sharma (L.O.,Inc.,Vigi)
(In Cr.Misc. No.25768 of 2017)

For the Petitioner/s : Mr. Y. V. Giri, Sr. Advocate
With Mr. Binod Kumar Sinha

For the Opposite Party/s : Mr. Ramakant Sharma (L.O.,Inc.,Vigi.)
(In Cr.Misc. No.25807 of 2017)

For the Petitioner/s : Mr. Y. V. Giri, Sr. Advocate



With Mr. Binod Kumar Sinha
 For the Opposite Party/s : Mr. Ramakant Sharma (L.O,I/C Vigi)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
 ORAL ORDER

2 11-07-2017 The allegations in all the three vigilance cases being identical in nature and petitioner in all the cases being same, these applications for anticipatory bail have been taken together and are being disposed of present common order with the consent of the parties.

Heard learned Senior counsel appearing on behalf of the petitioner and learned Senior counsel appearing on behalf of the Vigilance Investigation Bureau.

These applications for grant of anticipatory bail arise out of Vigilance P. S. Cases No. 102 of 2016, 106 of 2016 and 104 of 2016, disclosing offences under Sections 420,467,468,471,477A, 409 and 120B of the Indian Penal Code.

The petitioner had for certain period functioned as Registrar of the J.P. University, Chapra. The allegation relates to misappropriation of fund released by the State Government for affiliated Colleges under "Vitta Sahit raahit Siksha Niti". Under the said scheme, the State Government released funds in favour of respective affiliated Colleges under the University for payment to teaching and non-teaching employees of such Colleges, based on performance



of the students of the Colleges. The funds were released through the University, but College-wise. The allegation is that the University allotted a number of students of such affiliated Colleges, who were not even registered with the University. This is the common allegation in all the three F.I.Rs, which relate to three different affiliated Colleges, namely, Lok Mahavidyala, Hazipur, Baniyapur, Saran, Majrulhaque Degree College, Tarwara, Siwan and Mahendra Das Degree College, Mathia Netua, Jalalpur, Gopalganj.

Mr. Y. V. Giri, learned senior counsel appearing on behalf of the petitioner has submitted that there is no allegation against the petitioner of having issued any cheque under his signature to any of the Colleges. He has further submitted that in the matter of release of fund to the affiliated Colleges, role of the University was to make available the said Colleges the fund as released by the State Government, which released College-wise. He has submitted that there is no allegation against the petitioner of misappropriation of any fund received by the University, which was to be released to respective affiliated Colleges. He has lastly submitted that there is allegation of allowing such students to appear for the examination though they were not registered with the University for which the petitioner cannot be blamed in any manner and Controller of examination, Dr.



Dibabanshu Kumar alias Dibanshu Kumar, who is also accused has been granted anticipatory bail by this Court by order, dated 01.07.2017, passed in Cr. Misc. No. 27252 of 2017.

Learned Senior counsel appearing on behalf of the Vigilance Bureau has not disputed the contention that the funds were released by the State Government College-wise. He submits that though there is no allegation against the University that the University released fund to the Colleges not in accordance with the fund released by the State Government, however, he contends that the University officials are also party to the offence of plundering the State Government's fund since they failed to discharge their duties of finding out and reporting the irregularities being committed by the managing bodies of the affiliated Colleges in the matter of payment of salary to the teaching and non-teaching employees of the respective Colleges.

What has emerged from the allegations, which have been made in the First Information Reports and submissions advanced on behalf of the Vigilance Bureau that there is no direct allegation against the petitioner of his involvement in misappropriation of the State fund released for payment of teachers and non-teaching employees of the affiliated Colleges. A case for grant of anticipatory bail is, thus, made



out.

Accordingly, these applications are allowed. Let the petitioner above named in the event of his arrest/surrender within six weeks from today in the Court below be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Special Judge, Vigilance, North Bihar at Muzaffarpur in connection with aforesaid Vigilance P.S. Cases No. 102 of 2016, 106 of 2016 and 104 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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