

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18073 of 2017

Arising Out of PS.Case No. -105 Year- 2016 Thana -C.B.I CASE District- MUZAFFARPUR

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Vijay Kumar S/o Late Gautam Prasad Resident of mohalla Salempur,
Chhapra, P.O. & P.S. Chhapra Town, District-Saran

.... Petitioner/s

Versus

The State of Bihar Through The Director General, Vigilance, Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dineshwar Mishra, Adv.

For the Opposite Party/s : Mr. Ramakant Sharma (L.O.,Inc.,
Vigilance)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

3 06-07-2017 Heard both sides.

The petitioner apprehends his arrest in Vigilance P.S. Case No. 105/2016, registered for the offences punishable under Sections 420, 467, 468 and other sections of the Indian Penal Code and sections 13(2) and 13(1)(D) of the Prevention of Corruption Act.

The gist of allegation is that Bishweshwar Dayal Sinha Memorial Mahila College does not fulfill the conditions of affiliation, but the Vice Chancellor and the Registrar of the College sent collusive report for affiliation and on such, grant was released in favour of the college. The petitioner is Clerk and later on, he was promoted to the post of Head Clerk. The allegation



against the petitioner is that he received maximum amount from the allotted Anudan Rashi and it transpired that he used to put signature on the C.L.C. certificate in place of the Principal of the College. It is further alleged that the petitioner issued demand draft made from his own account and fund was deviated and deposited in the account of the petitioner.

Learned counsel for the petitioner submits that petitioner is simply a Clerk. He did not do any illegal act. On the order of Principal of the College he got a demand draft prepared in the name of University for depositing examination fee.

Learned counsel for the Vigilance submits that this college did not fulfill the condition of affiliation. It appears from the records that the reports of Vice Chancellor and the Registrar were sent to the Education Department for affiliation of the College, but the Education Department also did not inspect the College and without verifying the conditions affiliated the College. Thereafter, grant was released in favour of the College. The petitioner is simply a Clerk who was promoted on the post of Head Clerk.

Considering the facts aforesaid, the petitioner above-named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of



receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge XI-cum-Special Judge, Vigilance Court, North Bihar, Muzaffarpur in connection with Vigilance P.S. Case No. 105/2016, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Jha, J.)

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