

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.45877 of 2017**

Arising Out of PS.Case No. -102 Year- 2016 Thana -VIGILANCE District- PATNA

=====

Gopal Prasad Arya @ Prof. Gopal Prasad Arya Son of Late Kanhaiya Lal Arya, resident of Mohalla- East Chitragupta Nagar, P.S.- Patrakar Nagar, District- Patna.

.... .... Petitioner/s

Versus

The State of Bihar Through Vigilance, Patna

.... .... Opposite Party/s

=====

**Appearance :**

|                      |   |                                                           |
|----------------------|---|-----------------------------------------------------------|
| For the Petitioner/s | : | Mr. Sandeep Sahni, Adv.<br>Mr. Rana Vikram Singh, Adv.    |
| For the Vigilance    | : | Mr. Ramakant Sharma, Sr. Adv.<br>Mr. Rabindra Kumar, Adv. |

=====

**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY**  
**ORAL ORDER**

2      10-10-2017                      Heard learned counsel for the petitioner and learned counsel for the State.

In this case, the petitioner is apprehending his arrest in connection with Special Case No. 44 of 2016 arising out of Vigilance P.S. Case No. 102 of 2016 registered for offences under sections 420, 467, 468, 471, 472, 477(A), 409/120B of the Indian Penal Code and Section 13(2) r/w Section 13(1)(d) of the Prevention of Corruption Act, 1988.

The First Information Report has been lodged in pursuance of the direction made by this Court in C.W.J.C. No. 1593 of 2016 for making investigation with regard to disbursement of money which were given to different colleges by way of aid by the State Government. The First Information Report



was lodged against several employees, officers of the University as well as against Principal of different colleges and other concerned accused persons. The petitioner has also been made accused in the case.

Learned counsel for the petitioner submits that he was/is a Controller of Examination and he is not in any way connected with the disbursement of the amount which was received by the University, in turn, given to the College for payment to different teachers which is apparently clear from the statement recorded in the First Information Report.

Learned counsel for the Vigilance has submitted that in fact it was found in the investigation that as the petitioner was a Controller of Examination, he allowed certain persons to appear in the examination who were even not registered.

This Court has asked the Vigilance about the nature of allegation of defalcation of amount, the reply has come from the Vigilance that the petitioner was the Controller of Examination, the nature of post, on which the petitioner was holding, cannot be said to have any concern with the disbursement of amount.

Looking to the entire facts and circumstances of the case, let the petitioner, namely, Gopal Prasad Arya @ Prof. Gopal



Prasad Arya, in the event of his arrest or surrender before the court below within a period of four weeks from today, 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 Special Judge, Vigilance, North Bihar, Muzaffarpur in connection with Special Case No. 44 of 2016 arising out of Vigilance P.S. Case No. 102 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

**(Shivaji Pandey, J)**

Rishi/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

