

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11580 of 2017

Arising Out of PS.Case No. -103 Year- 2016 Thana -VIGILANCE District- PATNA

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Dr. Gajendra Prasad Singh @ Gajendra Prasad Singh s/o Late Deep
Narayan Singh, r/v + P.O. Mukrera, P.S. – Revil-Ganj, District - Saran

.... Petitioner/s

Versus

The State of Bihar through The Vigilance, Bihar, Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Adv.
Mr. Bhaskar Shankar Singh, Adv.

For the Opposite Party/s : Mr. Rama Kant Sharma (L.O., I/C Vigi)
Mr. Santosh Kumar Pandey, Adv.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

8 11-07-2017 Heard both sides.

The petitioner apprehends his arrest in Vigilance P.S.
Case No. 103/2016, registered for the offences punishable under
Sections 420, 467, 468 and other sections of the Indian Penal Code
and sections 13(2) read with 13(1)(d) of Prevention of Corruption
Act.

The informant Deputy Superintendent of Police
Vigilance Department alleged that petitioner being the Principle of
Dr. P.N. Singh, Degree college, Chapra made payment to even
such teaching and non-teaching staffs of the college who were not
working on the sanctioned strength and thereby illegal payment
was made in contravention of the provision of section 35 of the
Bihar University Act, 1976 as the letter issued on 27th July, 2006



was withdrawn.

Mr. Krishna Prasad Singh learned counsel for the petitioner submits that the petitioner of course made payment to 53 and 55 teaching and non-teaching staff against the sanctioned strength of 40. According to the letter, as contained in memo no. 115 at page 25 of the bail petition, Government of Bihar, Joint Secretary of Human Resource Development Department superseded the letter no. 1067 dated 27.07.2006 and the power of creating the post in non-aided college was given to the Vice Chancellor. The Vice Chancellor sanctioned the posts in the college. The petitioner made payment to the teaching and non-teaching staffs who were working on the post duly sanctioned by the University.

On the other hand, learned counsel for the Vigilance Department has submitted that University has got no power to sanction the post in view of the provisions as contained in section 35 and 39 of the Bihar University Act, but from perusal of the records, it appears that letter of Joint Secretary at page 25 of the bail petition part of the F.I.R. and the Joint Secretary himself wrote letter to the Registrar of all the Universities giving power to the University to create and sanction post in non-aided affiliated college. The University in pursuance of the aforesaid



letter sanctioned the post of teaching and non-teaching staff in Dr. P.N. Singh College and accordingly, the petitioner made payment to them.

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 Special Judge, Vigilance, North Bihar, Muzaffarpur in connection with Vigilance P.S. Case No. 103/2016, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Jha, J.)

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