

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.41095 of 2017**

Arising Out of PS.Case No. -19 Year- 1999 Thana -VIGILANCE District- PATNA

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Sarwar Imam @ S. M. Sarwar Imam @ Sarwar Iam @ Dr. Sarwar Imam  
Son of Late S.M.Zareef, R/o Village- Bahera, P.S.- Bahera, District-  
Darbhanga.

.... .... Petitioner.

Versus

1. The State of Bihar Through The State Cabinet Vigilance Investigation  
Bureau, Distict, Patna.

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

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**Appearance :**

For the Petitioner : Mr. R. S. Pradhan, Sr. Adv.

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

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**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**  
**ORAL ORDER**

3      06-09-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Special Case No. 21-B  
of 1999 arising out of Vigilance P.S. Case No. 19 of 1999 instituted for  
the offence under Sections-420, 465, 471, 477(a), 109, 120(B) of the  
Indian Penal Code and Sections-13(2) & 13(1)(d) of the Prevention of  
Corruption Act and Section-4(2) of Bihar Non Government Physical  
Training College and Non-Government Primary Teachers Education  
College (Control and Regulation) Ordinance, 1982.

There is allegation in the written report that S.M. Zareef  
College of Education, Darbhanga was established without obtaining  
approval of affiliation from the L.N. Mithila University especially when  
the establishment of such college was prohibited under the Act for  
permission and affiliation. It is further alleged that the affiliation for



the year, 1995-96 & 1996-97 was temporary obtained in collusion with the University Staff, government officials and the officers of NCTE. The students from outside the state have been admitted on realization of heavy amount and they were allowed to appear at the examination. The President and other members of the Governing Body of Rauf Muslim Jamia and the Secretary and other members of the Managing Committee of the college including the Principal conspired and obtained affiliation for the Sessions 1995-96 and 1996-97 on the basis of forged and fraudulent documents. Total 500 students have been allowed to appear at the examination out of whom, 374 were declared unsuccessful. The students who had not paid the required amount, were not allowed to appear at the examination. They were declared unsuccessful even if, they appeared in the examination. The S.M. Zareef College of Education, Darbhanga earned about Rs. 8 crores and out of which, only 1/3<sup>rd</sup> amount is said to have been spent.

Counsel for the Vigilance has submitted that the petitioner is said to be Joint Secretary of a registered minority Society of Rauf Muslim Jamia. Counsel for the Vigilance has further submitted that the instant case has been lodged in the year, 1999 and after completion of investigation, charge sheet has been submitted in the year, 2007. Cognizance has also been taken in this case. It has further been submitted that the petitioner never appeared during investigation or even after submission of charge sheet. He is filing the instant anticipatory bail application after more than 16-17 years.



In the written report itself, there is serious allegation of illegally realizing heavy amount of Rs. Eight crores by establishing S.M. Zareef College of Education, Darbhanga on the basis of temporary approval of affiliation in conspiracy with other accused persons. Therefore, this court is not inclined to grant anticipatory bail to the petitioner. Accordingly, prayer for anticipatory bail is rejected.

The petitioner is directed to surrender in the court below and seek regular bail, which shall be considered on its own merit without being prejudiced by this order.

**(Sanjay Priya, J)**

A.K.V./-

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