

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34763 of 2017

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

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1. Bijay Pratap Kumar @ Prof. Bijay Pratap Kumar @ Vijay Pratap Kumar, son of late Shivrath Kumar, resident of Prabhunath Nagar, P.S.- Muffasil Chapra, District-Saran.

.... Petitioner/s

Versus

1. The State of Bihar through Vigilance

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rana Vikram Singh, Advocate

For the Opposite Party/s : Mr. Ramakant Sharma, LO, I/c, Vigilance

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 25-08-2017

Heard learned counsel for the Petitioner and learned

APP for State as well as counsel for the Vigilance.

Petitioner apprehends his arrest in Special Case No.46 of 2016 arising out of Vigilance P.S. Case No.104 of 2016 instituted for the offence under Section(s) 420, 467, 468, 471, 472, 477-A, 409, 120-B Indian Penal Code and Section 13(2) read with Section 13(1) (d) of the Prevention of Corruption Act, 1988.

It has been submitted on behalf of the petitioner that the petitioner was Registrar of JP University. The allegation relates to misappropriation of funds released by the State Government for affiliated Colleges under *Vitta Rahit 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.

Counsel for the petitioner has submitted that whatever misappropriation has been done, it has been done by the concerned Colleges. The University has released the fund College-wise. The petitioner was Registrar in JP University. He had no concern with release of the funds or disbursement of the same to the teaching or non-teaching employees of such Colleges.

Counsel for the petitioner has further submitted that in the First Information Report itself at page 35 of the brief it is mentioned that Principal of the College, Ram Dular Prasad, and Secretary, namely, Sri Om Prakash Maurya and Sri Lal Bahadur Prasad appears to be responsible for such misappropriation.

Another Registrar of the University having similar allegation has been granted anticipatory bail by a coordinate Bench of this Court by order dated 11.07.2017 passed in Cr. Misc. No.25732 of 2017 and analogous cases.

In the facts and circumstances of the case, prayer of



the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with Special Case No.46 of 2016 arising out of Vigilance P.S. Case No.104 of 2016, he shall be released on anticipatory bail on furnishing bail bond of `10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Special Judge, Vigilance, North Bihar, Muzaffarpur, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions: (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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