

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38141 of 2017

Arising Out of PS.Case No. -103 Year- 2016 Thana -C.B.I CASE District- MUZAFFARPUR

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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

.... Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 17-08-2017 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner apprehends his arrest in connection with Special Case No. 45 of 2016, arising out of Vigilance P.S. Case No. 103 of 2016 registered for the offence(s) punishable under section(s) 420, 467, 468, 471, 472, 477(A), 409/120B of the Indian Penal Code and section 13 (2) read with section 13 (1) (d) of the Prevention of Corruption Act, 1988.

The petitioner was working as Examination Controller of Jai Prakah University, Chapra, during the period of 2012-15. He has been made accused as the then Examination Controller in the First Information Report, which has been registered with allegation of misappropriation of fund made available by State Government to affiliated Colleges for making payment of salary to the non-teaching



employees of the Colleges for the Sessions 2005-08 and 2006-09 and 2007-10.

Learned counsel appearing on behalf of the petitioner, referring to the First Information Report, has submitted that there is no allegation against the petitioner of any misappropriation. The only allegation in the First Information Report is that the some of the students of the College, who were not registered with the University, were allowed to appear at the examination. It is the case of the petitioner that in the first place, the petitioner in his capacity, as Examination Controller, did not have any role in financial matters. Secondly, it alleged him that certain candidates were allowed to appear for the University examination without registration number. It has also been submitted that there is no chance of petitioner fleeing away from the course investigation or trial, if he is allowed to be released on anticipatory bail.

It has further been submitted that similarly situated accused, namely, Dr. Dibanshu Kumar @ Dibanshu Kumar, who was also an Examination Controller during the relevant period and Dr. Gajendra Prasad Singh @ Gajendra Prasad Singh, having similar allegation, have already been allowed anticipatory bail by another coordinate Bench of this Court in Criminal Miscellaneous Nos. 27252 and 11580 of 2017, vide order dated 01.07.2017 and 11.07.2017 respectively.

Considering the nature of allegation and also the fact that



the similarly situated accused have already been allowed anticipatory bail, the anticipatory bail of the petitioner is also allowed.

Let the petitioner, above named, in the event of arrest or surrender before the court below within a period of six weeks, 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 the learned Special Judge, Vigilance, North Bihar, Muzaffarpur in connection with Special Case No. 45 of 2016, arising out of Vigilance P.S. Case No. 103 of 2016, subject to the condition as laid down under Section 438 (2) of the Criminal Procedure Code.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Sanjay Kumar, J)

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