IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13527 of 2017

Arising Out of PS.Case No. -101 Year- 2016 Thana -VIGILANCE District- PATNA

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Raj Kishore Prasad Sinha, Son of Late Raghunath Singh, Resident of Village – Samastpura, P.O. – Gamharia, P.S. – Mashrak, District – Saran, presently posted as Finance Officer of Jai Prakash University, Chapra.

.... Petitioner

Versus

1. The State of Bihar
2. The Vigilance Department through its Director General, Bihar, Patna.

.... Opposite Parties

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Appearance :

For the Petitioner	: Mr. Vikash Kumar Sharma, Advocate.
	Mr. Nand Kishore Singh, Advocate.
For the Opposite Parties	: Mr. Rama Kant Sharma, Sr. Advocate.
	Mr. Rakesh Kumar Sharma, Advocate.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

5 23-06-2017 Heard both sides.

The petitioner apprehends his arrest in Vigilance P.S. Case No. 101 of 2016, corresponding to Special Case No. 43 of 2016 registered for the offences punishable under Sections 13(2) read with Sections 13 (1)(d) under Prevention of Corruption Act, 1988 and under Sections 420, 467, 468, 471, 472, 477A, 409 and 120B of the Indian Penal Code.

The allegation against the petitioner is that the petitioner being the Finance Officer of Jaiprakash University, Chapra released fund for Devraha Baba-Sridhar Das Degree College. Rs. 1,77,38,100/- was released for the year 2005-08 on 08.09.2010 through cheque no. 823396 and Rs. 50,00,000/- was released for the year 2006-09 through cheque no. 823398 on 04.01.2012. The petitioner again released fund of Rs. 2,85,94,000/- for the year 2006-09 through cheque no. 120173 on 23.12.2015 and Rs. 1,96,73,100/- for the year 2007-10 through RTGS.

Learned counsel for the petitioner submits that the petitioner joined on 30.05.2015 in Jaiprakash University as Finance Officer. The petitioner is not at all concern with the release of funds on 08.09.2010 and 04.01.2012. The petitioner has released Rs. 2,85,94,000/- for the year 2006-09 through cheque no. 120173 on 23.12.2015 and Rs. 1,96,73,100/- for the year 2007-10 through RTGS but the same was stopped and the college authority was directed to not to distribute the same, therefore, no amount was defalcated.

On the other hand, learned counsel for the vigilance department submits that allegation against the petitioner is that he illegally issued funds for distribution among teachers and non-teaching staff of Devraha Baba-Sridhar Das Degree College but, it appears that, of course, the petitioner transferred Rs. 2,85,94,000/- for the year 2006-09 through cheque no. 120173 on 23.12.2015 and Rs. 1,96,73,100/- for the year 2007-10 through RTGS but the aforesaid two amounts were not distributed among the teachers and non-teaching staff and for the fund released on 08.09.2010 and 04.01.2012 for the years 2005-08 and 2006-09, the petitioner was not the Finance Officer at that time.

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 the learned Special Judge, Vigilance, North Bihar, Muzaffarpur in Vigilance P.S. Case No. 101 of 2016, corresponding to Special Case No. 43 of 2016, Subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J.)

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