

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20570 of 2017

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

1. Om Prakash Maurya (Former Secretary), son of Late Jagan Bhagat, Resident of Village- Belhi, Police Station- Mairwa, District- Siwan, presently residing at Village- Belhi Math, Police Station- Khampar, District- Deoriya, State (U.P.) Uttar Pradesh.

.... Petitioner/s

Versus

1. The State of Bihar through the Vigilance, District- Patna.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bibhuti Prasad Pandey, Sr. Advocate
Mr. Anil Kumar Sinha, Advocate
Mr. Rajeev Ranjan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 02-05-2017 Heard learned counsel for the petitioner and
learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 420, 467, 468, 471, 477(A), 409 and 120(B) of the Indian Penal Code.

Certain teachers were appointed by the Managing Committee of the College and they were getting salary. Subsequently, the power of the Managing Committee to appoint was scraped and the Governing Body was authorized to appoint. The Governing Body was formed by the University and the said Governing Body appointed the same teachers. Thereafter the power of the Governing Body was taken away thereafter for



regularizing their services Screening Committee was formed where the matter of those teachers was pending consideration. Allegation is that those teachers should not have been paid but the petitioner being the former Secretary of the College made payment to those teachers.

Submission of the petitioner is that if any excess amount has been paid to the teachers or to the teachers not appointed on sanctioned post then there is provision for recovery of the amount under Section 35 of the Bihar Universities Act. Moreover, this is a case of bona fide that payment was not made to the teachers, rather misappropriated by the petitioner.

Learned counsel for the Vigilance opposed the prayer for bail on the ground that the petitioner did not follow the rules and regulations in the matter of payment of salary.

Considering the entire facts and circumstances, let the petitioner, above named, 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 learned Special Judge, Vigilance, Muzaffarpur/successor Court in connection with Special Case No. 46 of 2016 arising out of Vigilance Police Station Case No. 104 of 2016, subject to the condition that the petitioner shall fully cooperate with the investigation and trial of



the case, failing which the court below shall be at liberty to cancel
the bail bond of the petitioner.

(Birendra Kumar, J)

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