

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17499 of 2017

Arising Out of PS.Case No. -104 Year- 2016 Thana -C.B.I CASE District- MUZAFFARPUR

Lal Bahadur Prasad, Son of Late Shiv Prasad Bhagat, Resident of Village- Duraundha, P.S.- Maharajganj District- Siwan, presently residing at Village- Bela Govindpur, Police Station- Duraundha, District- Siwan.

.... Petitioner

Versus

1. The State of Bihar Through The Vigilance

.... Opposite Party

with

Criminal Miscellaneous No.14300 of 2017

Arising Out of PS.Case No. -104 Year- 2016 Thana -C.B.I CASE District- MUZAFFARPUR

Dr. Ram Dular Prasad, Son of Late Deo Narain Raut, Resident of Village and Police Station- Agyeya Mohmada, District- Siwan, Presently residing in the campus of College (Mahendra Das Degree College) At- Mathiya Neehua Jalalpur, P.S.- Kuchai Kot, District- Gopalganj.

.... Petitioner

Versus

The State of Bihar Through The Vigilance.

.... Opposite Party

Appearance :

(In Cr.Misc. No.17499 of 2017)

For the Petitioner/s : Mr. B.P. Pandey, Sr. Adv.
Mr. Nirbhay Prashant, Adv.
For the Vigilance Department : Mr. Santosh Kumar Pandey, Adv.

(In Cr.Misc. No.14300 of 2017)

For the Petitioner/s : Mr. B.P. Pandey, Sr. Adv.
Mr. Rajiv Ranjan, Adv.
Mr. Anil Kumar Sinha, Adv.
For the Vigilance Department : Mr. Santosh Kumar Pandey, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

4 14-07-2017 Both the aforesaid applications arise out of Special Case No. 46 of 2016 (Vigilance P.S. Case No. 104 of 2016), registered under Sections 420, 467, 468, 471, 477(A), 409 and



120(B) of the Indian Penal Code and Section 13(2) and 13(i) of Anti Corruption Act. Therefore, both the aforesaid applications have been heard together and are being disposed of by this common order.

The petitioner Lal Bahadur Prasad of Criminal Miscellaneous No. 17499 of 2017 being the member of governing of the College of Sri Mahendra Das Degree College, Mathia, Neehua, Jalalpur (Gopalganj) and petitioner Dr. Ram Dular Prasad of Criminal Miscellaneous No. 14300 of 2017 being the Principal of the said college distributed the grant in aid as provided by the State Government through the university to non-teaching and teaching staffs, who were not eligible for the same.

Learned counsel for the petitioners submits that it would appear from Annexure-4 to the supplementary affidavit that several posts of Lecturers, Lab Incharge, 4th Grade employee and other posts of the officials were accorded for the Mahesh Das Degree College, which was informed to the college through letter No. 27808 of the Registrar Jai Prakash University in the light of the post created by the university 30 teaching staff were appointed in the year 2008, whose name is detailed in para-3 of the supplementary affidavit and they were not paid salary to the fund of grant allotted in the year 2008. Later on, in the light of



letter dated 02.02.2012 of Joint Secretary, Education Department, Bihar, Patna they were paid salary for the sessions 2009 onwards to the amounts as allotted to the college in grant in aid.

Learned counsel for the Vigilance submits that in the year 2008 several discrepancies were found in appointment of the teachers, who are not competent for that posts.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Spl. Judge, Vigilance, Muzaffarpur in connection with Spl. Case No. 46 of 2016 (Vigilance P.S. Case No. 104 of 2016), subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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