IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39179 of 2017

Arising Out of PS.Case No. -105 Year- 2016 Thana -VIGILANCE District- PATNA

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1. 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

1. The State of Bihar Through Vigilance

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Rana Vikram Singh
For the Opposite Party/s : Mr. Rama Kant Sharma(L.O,I/C Vigi)

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

4 07-09-2017 Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Special Case No. 47 of 2016 arising out of Vigilance P.S. Case No. 105 of 2016 instituted for the offence under Sections-420, 467, 468, 471, 472, 477(A), 409/120(B) of the Indian Penal Code and under Sections 13(2) read with Section 13(1)(d) of Prevention of Corruption Act.

It has been submitted on behalf of petitioner that he was Examination Controller, J.P. University, Chapra since August, 2006 to January, 2012. He has no role in distribution of the grant aid amount to Visheshwar Dayal Sinha Memorial Mahila College, Chapra and in the disbursement of any aid amongst the teaching and non-teaching staffs. The petitioner did not hold any physical power being Controller of the examination in the appointment of teaching and non-teaching staffs, and he has also no concern with the admission and registration of the students in the said college. He has further submitted that one Devanshu Kumar who was also Examination Controller, has already been granted anticipatory bail by a

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coordinate bench of this court vide order dated 07-07-2017 passed in Cr. Misc. No. 29230 of 2017.

Learned counsel for the Vigilance appeared and opposed the prayer.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner named above in the event of his arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with in Special Case No. 47 of 2016 arising out of Vigilance P.S. Case No. 105 of 2016 to the satisfaction of learned Special Judge, Vigilance, North Bihar, Muzaffarpur subject to condition as laid down u/S 438(2) of the 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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