

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13723 of 2017

Arising Out of PS.Case No. -35 Year- 2017 Thana -SABOUR District- BHAGALPUR

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Mewa Lal Choudhary, S/o Late Deep Narayan Choudhary, R/o Village-
Kamaragama, P.S.-Tarapur, District-Munger.

.... Petitioner.

Versus

The State of Bihar

.... Opposite Party.

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Appearance :

For the Petitioner : M/s. Abhay Kumar Singh, Senior Advocate,
Baidyanath Thakur, Shankar Kumar Thakur &
Binod Kumar, Advocates.

For the State : Mr. Dilip Kumar Sinha, A.P.P.

For the Intervener : M/s. Sunil Kumar and Rabindra Griyaghey,
Advocates.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**
ORAL ORDER

12 22-08-2017

Heard.

The petitioner apprehends his arrest in connection with
Sabour P.S. Case No.35 of 2017 registered under Sections 409,
420, 467, 468, 471 and 120(B) of the Indian Penal Code.

The accusation is that on receiving the complaints from
three corners regarding the irregularities committed by the
petitioner being the Vice Chancellor of Bihar Agriculture
University, Sabour at Bhagalpur, in the construction of the
buildings and in the appointment of the Assistant Professors-cum-
Junior Scientists, His Excellency, the Governor of Bihar-cum-
Chancellor of the said University, constituted the Single Man



Committee under Section 19(7) of the Bihar Agriculture University Act, 2010 and, accordingly, inquiry was done by the committee. In enquiry, while no illegality and irregularity was found in the construction of the buildings of the University but it was found that the petitioner being the Vice Chancellor of the University committed large scale bungling, favoritism, interpolation, manipulation, addition and subtraction in academic points of the candidates changing the remarks and violating the provision of statute in selection on the post of the Assistant Professors-cum-Junior Scientists.

On the basis of the aforesaid report of the Committee, the Registrar, Bihar Agriculture University, Sabour at Bhagalpur, submitted the written report to the Sabour Police Station on 20.02.2017, on the basis of which, the present case has been lodged against the petitioner.

Learned counsel appearing on behalf of the petitioner submit that, in fact, the petitioner was the Vice Chancellor of the Bihar Agriculture University, Sabour at Bhagalpur, at the time of appointment of the Assistant Professors-cum-Junior Scientists but for their appointment, there were three committees, one Screening Committee for sorting out the applications, second Evaluation Committee for evaluating the marks on the basis of their academic



records and third for Interview Board in which the petitioner was the Chairman, experts and others were members. As such, the petitioner being the Vice Chancellor of the said University is responsible only for the mark of the candidates for their interview and the power point presentation, which was of 20 marks (10 marks for interview and 10 marks for power point presentation) given by the petitioner and other expert members of the Interview Board. Further submission is that it would appear from the Enquiry Report, which is the basis of the F.I.R., that no material has been detailed in the Enquiry Report as to whether any family member or the relative of the petitioner has been appointed as Assistant Professor-cum-Junior Scientist. It is detailed in the Inquiry Report that while 9 witnesses have stated that the power point presentation was not done at the time of interview, on the other hand six witnesses have stated that the same was done at the time of interview. It has also come in the Inquiry Report that against 5% in service quota, 5 persons were appointed on the post of Assistant Professors-cum-Junior Scientists, out of them two were outsiders but there was also an explanation of the University that in absence of non availability of in-service candidates under 5% quota, two candidates, one in B.C. category and one in U.R. category were appointed under 5% in service quota keeping



teaching and research as 'important' for the Department, for newly established University. Learned counsel for the petitioner further submits that at the time of interview of the candidates, the academic marks as given by the Academic Committee to the candidates were in the sealed cover. As such, the petitioner cannot be held responsible for manipulation in the same. While in paragraphs-79 to 84 of the case diary, the statements of the candidates, who could not be selected, are detailed, in which they have only stated about mal practices committed in the selection of the Assistant Professors-cum-Junior Scientists but they have not stated about payment of money by any candidates to the Vice Chancellor. In paragraph-94 of the case diary, Himanshu Singh, one of the candidates, who could not be selected, has stated that he had given four cheques, each of Rs.50,000/- to Ramesh Kumar Chaudhary, the nephew of this petitioner, for his selection on the post of Assistant Professors-cum-Junior Scientists but he could not be able to state as to whether the amount was transferred to the account of this petitioner or was handed over to him, after withdrawal.

On the other hand, learned counsel for the Intervenor opposed the prayer of the petitioner for grant of anticipatory bail with the contention that it has come in the case diary that



irregularity has been committed by the petitioner being the Vice Chancellor of the said University in the selection of Assistant Professors-cum-Junior Scientists by manipulating the evaluation marks obtained by the candidates in evaluation on the basis of academic records. The candidates who obtained less marks in academic records are selected and who got more marks were debarred in final selection..

Learned A.P.P. for the State submits that the candidates, who were not selected, have been examined by the Investigating Officer and their statements are detailed in paragraphs-79 to 84 of the case diary but they have only stated about malpractice in selection of the candidates on the post of Assistant Professors-cum-Junior Scientists. Some candidates also stated before the Investigating Officer about malpractice, as detailed in paragraphs-90 to 94 of the case diary, but they have not stated about dealing of the money in the appointment except Himanshu Kumar Singh, who has stated that he had given four chqueques to Ramesh Kumar Chaudhary, the nephew of this petitioner but he has not stated that as to whether the money was paid to the petitioner or not.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail



on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Bhagalpur, in connection with Sabour P.S. Case No.35 of 2017, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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