

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46359 of 2017

Arising Out of PS.Case No. -102 Year- 2016 Thana -VIGILANCE District- PATNA

=====

Raj Kishore Prasad Sinha, Son of Late Raghunath Singh, Resident of
village Samastipura, P.S. Gamahria, P.S. Mashrak, District-Saran.

.... Petitioner

Versus

1. The State of Bihar,
2. The D.G.P. Vigilance,

.... Opposite Parties

=====

Appearance :

For the Petitioner/s : Mr. Vikash Kumar Sharma, Advocate

For the Opposite Party/s : Mr. Rama Kant Sharma, Sr. Advocate

=====

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

ORAL ORDER

2 14-12-2017 Heard learned counsel for the petitioner and the learned
counsel appearing on behalf of Vigilance Department.

The petitioner apprehends his arrest in connection with
Vigilance Case No. 102 of 2016 (Special Case No. 44 of 2016),
registered under Sections 13 (2), 13(I)(d) of the Prevention of
Corruption Act and Section 420, 467, 468, 471, 472, 477A, 409 and
120-B of the Indian Penal Code.

The accusation is that in the light of order passed in
C.W.J.C. No. 1593 of 2016, the preliminary inquiry was done
registering Enquiry Case No. B.S.04/16 in which it was detected that
for the Sessions 2005-2008, Rs. 1,59,34,200/-, for the Sessions 2006-
09, Rs. 50,00,000/- and Rs. 2,30,53,600/- and for the Sessions 2007-
2010, Rs. 3,17,03,100/- were granted by the J.P. University to Lok
Mahavidhyala Hafizpur, Baniyapur, Saran. The said amount was



distributed in 90 non-teaching staff while the post of non-teaching staff was sanctioned only 45. Similarly, for the Sessions 2006-09, 96 non-teaching staff and for the Sessions 2007-10, 91 non-teaching staff were benefited overlooking the Rules and Regulations.

Learned counsel for the petitioner submits that earlier the prayer for bail of the petitioner was refused vide Criminal Miscellaneous No. 10158 of 2017 on 13.07.2017. Further submission is that at that time petitioner was not in a position to brought the notice to the Court about amendment in Section 57A of the Bihar Act 23, 1976 under which Selection Committee of the colleges was authorized to complete the scrutiny of the cases of the teachers of affiliated degree colleges appointed prior to 19.04.2007 without the recommendation of the Bihar College Service Commission on the basis of qualifications in force at the time of appointment of such teachers upto 31.03.2017, otherwise such appointments will not be treated valid. Thereafter, the Governing Body of the college will accept the names recommended by the Selection Committee. The distribution of amount of grant sanctioned by the State Govt. will be made amongst the teachers in concerned affiliated colleges by its governing body upto 31.03.2017. Further submission is that petitioner was posted as Finance Officer at the J.P. University and the grant in aid was allocated to Lok Mahavidyalaya, Hafizpur, Baniyapur, Saran and he was not indulged in distributing the grant in aid to the teaching and non teaching staff. Moreover, similarly situated co-accused Sone Lal Sahni, who is also



the Finance Officer in J.P. University, Chapra has also been granted privilege of pre-arrest bail on 27.07.2017 passed in Criminal Miscellaneous No. 20206 of 2017. The petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his 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) with two sureties of the like amount each to the satisfaction of the Special Judge, Vigilance, North Bihar, Muzaffarpur in connection with Vigilance P.S. Case No. 102 of 2016, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

manish/-

U		T	
---	--	---	--

