

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34432 of 2017

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

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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, Patna (Bihar).

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rana Vikram Singh

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

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 24-08-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Special Case No. 46 of 2016 arising out of Vigilance P.S. Case No. 104 of 2016 instituted for the offence under Sections-420, 467, 468, 471, 472, 477(A), 409, 120(B) of the Indian Penal Code and Section-13(2) read with 13(1)(d) of Prevention of Corruption Act.

It has been submitted on behalf of the petitioner that it is mentioned in the FIR itself that he was controller of examination. He has no concern with the disbursement of funds, received by the college. Counsel for the petitioner has referred to running page 35 of the brief wherein it has been mentioned that the Principal, Dr. Ram Dular Prasad and the Secretary, Sri Om Prakash Mourya and Sri Lal Bahadur Prasad are apparently guilty for misappropriation of the funds. In page 37 of the FIR, it is mentioned that some of the students had appeared for examination, who were not registered and their results were pending. The Secretary is mainly responsible for



registration of students. It has been submitted that other co-accused namely, Dr. Dibanshu Kumar with similar allegation has already been granted anticipatory bail by a coordinate bench of this court by order dated 21-07-2017 passed in Cr. Misc. No. 28111 of 2017.

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. 46 of 2016 arising out of Vigilance P.S. Case No. 104 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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