

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44837 of 2018

Arising Out of PS.Case No. -60 Year- 2017 Thana -C.B.I CASE District- MUZAFFARPUR

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Niranjan Kumar, S/o Late Bharat Prasad, R/o Vill. + Post Rothian, P.S.-
Autar Nagar, District- Saran at present Principal, Devraha Baba shridhar
Das Degree College, Rampur (Kadna), Garkha, P.S.- Garkha, District-
Saran.

.... Petitioner/s

Versus

The State of Bihar, through the Director Vigilance Investigation Bureau,
Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gyan Prakash, Advocate.

For the Opposite Party/s : Mr. Ramakant Sharma, (L.O.,I/C. Vigi)

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 07-08-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Special Case**
No. 27 of 2017 arising out of Vigilance P.S. Case No. 60 of
2017 instituted for the offence under Sections 420, 467, 468, 471,
166(A), 120(B) of the Indian Penal Code and Section 13(2) read
with Section 13(1)(d) of Prevention of Corruption Act, 1988.

Counsel for the petitioner submits that the then
Incharge Principal of the College Shri Arjun Prasad Yadav vide
his letter No. 466 dated 11.1.2012 requested the then Dean,
Student's Welfare (D.S.W.) for enhancement of seats in all
streams of Bachelor course and attached detailed proposal with his
request letter. The then D.S.W. issued a letter dated 18.9.2012



regarding enhancement of seats in different streams in Bachelor course in the college. It has further been submitted that when those students were admitted and were given registration number, the petitioner was not the principal of that college. All irregularities alleged to have been committed in the year 2012 in the period of Arjun Prasad Yadav who was the In-charge Principal of the college at the relevant time.

Counsel for the petitioner has submitted that he has filed supplementary affidavit wherein he has stated that Governing Body of the college due to such illegal act, terminated the service of Sri Arjun Prasad Yadav vide its meeting dated 26.7.2015 and sent information to the university who duly notified his termination on 2.11.2015. Therefore, all irregularities were committed by then Principal of the College Sri Arjun Prasad Yadav. Petitioner has joined on 9.9.2014 as Principal of the college and the irregularities have been committed in the year 2012. Other co-accused persons have already been granted anticipatory bail by this Court vide orders dated 12.07.2018 and 01.08.2018 passed by this Court in Cr. Misc. 40762 of 2018 and 40827 of 2018 respectively.

Learned counsel for the Vigilance has appeared and opposed the prayer for anticipatory bail of the petitioner.



Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with **Special Case No. 27 of 2017 arising out of Vigilance P.S. Case No. 60 of 2017**, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned **Special Judge, Vigilance, North Bihar, Muzaffarpur**, subject to the conditions as laid down under Section 438 (2) 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 his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond 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.

S.Ali/-

(Sanjay Priya, J)

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