

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53585 of 2018

Arising Out of PS. Case No.-6 Year-2015 Thana- VIGILANCE District- Patna

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Sri Kant Sharma Son of Late Pandit Arjun Sharma, Resident of Village- Lari,
Police Station- Kurtha, District- Arwal, Retired Principal, T.P.S. College,
Patna.

... .. Petitioner/s

Versus

The Vigilance Investigation Bureau, Bihar, Patna through the Superintendent
Of Police, Cabinet Vigilance Department, 6, Circular Road, Bihar, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anand Mohan Prasad Mehta, Advocate.

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

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

ORAL ORDER

12 06-05-2019 Heard.

The petitioner apprehends his arrest in connection
with Special Case No.04 of 2015, arising out of Vigilance P.S.
Case No.06 of 2015, registered under Sections 193, 409, 420,
466, 467, 471 and 120B of the Indian Penal Code besides
Sections 13(2) read with Sections 13(1)(d) of the Prevention of
Corruption Act.

The accusation is that on the basis of the complaint
petition of Shivjatan Thakur, received through the Additional
Secretary, Vigilance Department, Bihar, Patna, inquiry was
made regarding the irregularity and misconduct of Dr. Arun
Kumar, Vice Chancellor, Magdh University, in the appointment



of the Principals of the Colleges of the Magadh University, in which it was detected that according to Section 57 of the Bihar State University Act, 1976, for the selection of the Principals, in the corum of the selection committee for the selection of the Principals in the colleges of the University, out of the 7 members, only five members would be required and the presence of two experts would be necessary. Later on, it was detected that only five members, namely, Sri Arun Kumar, Vice Chancellor, Sri Shivjatan Thakur, the representative of Governor of Bihar, Sri Raj Mukul, the representative of Governor of Bihar, Prof. Brahamchari Surendra Kumar and Principal Sri Kant Sharma (petitioner) put their signatures on the merit list. When the query was made to the members of the Selection Committee, then Shivjatan Thakur and Raj Mukul, the representatives of the Governor of Bihar, denied their signature on the merit list. As such, only three signatures were found on the merit list, which shows the lacking of the presence of the members in the Selection Committee and the forged merit list regarding the selection of 22 candidates has been prepared, which was, later on, declared invalid.

Learned counsel appearing on behalf of the petitioner submits that the petitioner being the Principal of the Gaya



College, Gaya, was selected as a member of the Selection Committee and he was present in the meeting for the selection of 22 Principals in the Colleges of the Magadh University. At that time, Victor Digha was also present as one of the experts but with an ulterior motive, the present case was lodged. Moreover, after selection, the appointment of 22 Principals have been set aside vide C.W.J.C. No.9167 of 2012. Further submission is that the petitioner has already retired from service and he undertakes that he will appear on each and every date as and when his presence would be required by the Investigating Agency or by the court.

On the other hand, learned counsel for the Vigilance Department submits that on inquiry, it was detected that the petitioner being the one of the junior Principal of the Gaya College, Gaya, was selected as member of the Selection Committee by the Vice Chancellor Dr. Arun Kumar as he was under his influence, and according to his wish, he committed irregularity in the evaluation of interview and academic marks.

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 Special Judge, Vigilance-I, Patna, in connection with Special Case No.04 of 2015, arising out of Vigilance P.S. Case No.06 of 2015, subject to the conditions laid down under Section 438(2) Cr.P.C. Out of the two sureties, one must be the Government Servant. It is also made clear that the petitioner shall remain present on each and every date, as and when his presence would be required by the Investigating Agency or the court.

(Rajendra Kumar Mishra, J)

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