

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53313 of 2018

Arising Out of PS. Case No.-60 Year-2017 Thana- VIGILANCE District- Patna

Dr. Dwijendra Kumar Gupta @ Dr. Dwijendra Gupta S/o B. Ramchandra Gupta, R/o B-169 Mehdauri Awas Vikash Colony, P.O. Teliaganj Civil Line, P.S.- Shivkuti, District- Allahabad Uttar Pradesh.

... .. Petitioner/s

Versus

The State Of Bihar Through The Director, Vigilance Investigation Bureau, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gyan Prakash

For the Opposite Party/s : Mr.Sanjay Prasad

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 15-01-2019 Heard learned counsel for the petitioner and learned counsel representing the Vigilance Investigation Bureau.

Petitioner, in the present case, is seeking anticipatory bail in connection with Special Case No.28 of 2017, arising out of Vigilance P.S. Case No.60 of 2017, registered for the offences punishable under Sections 420, 467, 468, 471, 166(A) and 120(B) of the Indian Penal Code and Section 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988.

Learned counsel for the petitioner submits that the petitioner is an Ex-Vice Chancellor of the J.P. University, Chapra who has been made accused in the aforementioned case. The allegations, as per the First Information Report, are with regard to the illegalities committed in the matter of registrations



and the examinations of the petitioners in CWJC No.5034 of 2017, 5377 of 2017 and 5518 of 2017 and many other students of Devraha Baba Shridhar Das Degree College in different degree courses of academic session 2012-15.

As per the allegations, the State Government had allocated 768 seats for the student of the college in all the subjects, but the then Principal Sri Arjun Prasad Yadav had taken admission of more than sanctioned strength, even in commerce (Honours) which was not a recognized course. It is further allegation that the then Principal had sent the registration forms and amount for registration of 1733 students in academic session 2012-15 on 07.09.2012 without sending the names of the students. It is alleged that responsibility for taking admission within sanctioned strength in the college was of the Dean, student welfare and college Inspector, but they failed to discharge their duty. Similarly for enrollment of the students mainly the Registrar, officers/employees posted in the registration department of the University are responsible when the Principal of the college send the examination forms after certifying them to the University. It is further alleged that after issuance of admit cards the process for conducting examination proceeds through the Registrar and Pro Vice-Chancellor to the



Vice-Chancellor but due to criminal connivance in between the college and the University irregularities could not be detected. It is alleged that the accused persons including the present petitioner had connived for illegal benefits.

Learned counsel for the petitioner submits that the present petitioner joined the J.P. University as Vice-Chancellor on 03.02.2014 and continued till 02.12.2015. He had never participated in the matter of approval of the registration of the students for the academic session 2012-15. It is submitted that Section 12(5) of the Bihar State Universities Act, 1976 provides that the Pro-Vice Chancellor shall be responsible for admission and conduct of the examination up to Bachelor course and publication of the result of the examination conducted by the University up to Bachelor level.

It is submitted that on the request of the then in-charge Principal of the college vide letter no.466 dated 11.01.2012, the then Dean, Student's Welfare (D.S.W.) had issued order vide memo no.4729(R) dated 18.09.2012 by which seats in different streams of Bachelor courses were increased in the college. The then Principal of the college had taken admission and then requested the University for enrollment of those students which was allowed by then Registrar of the



University. It is submitted that the petitioner had neither participated in the matter of enhancement of seats nor had any role to play in the matter of registration. It is further submitted that in fact when the irregularities came to the notice of the present petitioner, the results of the candidates were withheld which led to their filing of the writ application.

Learned counsel submits that the petitioner is a old age person and is suffering from various ailments. It is submitted that in fact by virtue of the order passed by the Division Bench of this Court in LPA No.1402 of 2017, the result of the writ petitioners has been published.

Learned counsel has also placed before this Court the various orders passed by the learned coordinate Bench of this Court in Cr.Misc.No.40827 of 2018, 44837 of 2018, 40762 of 2018 and 41652 of 2018 to show that the co-accused petitioners in those cases have been granted privilege of anticipatory bail. While granting those anticipatory bail, the learned coordinate Bench has considered the submissions to the effect that all irregularities committed by the then principal of the college Sri Arjun Prasad Yadav.

Learned counsel representing the Vigilance Investigation Bureau is present. He has though opposed the



prayer for anticipatory bail of the petitioner, however, the fact remains that co-accused in the present case have been granted privilege of anticipatory bail. This Court finds that the pro-Vice Chancellor and the then Controller of Examination as also the then Pro-Vice Chancellor have been granted privilege of anticipatory bail by the learned coordinate Bench of this Court.

In the given facts and circumstances of the case considering that the petitioner was serving as Vice-Chancellor of the University much after the period during which the seats were allegedly increased and registrations of the students were done and further that a number of co-accused have been granted privilege of anticipatory bail, this Court does not find any reason not to extend the same benefit to this petitioner.

Let in case of arrest or surrender of the petitioner within a period of four weeks from today, the abovenamed petitioner be enlarged on bail on furnishing bail bond of Rs.25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Vigilance, North Bihar, Muzaffarpur in connection with Special Case No.28 of 2017, arising out of Vigilance P.S. Case No.60 of 2017, subject to the condition that petitioner shall immediately join the investigation by reporting to the



Investigating Officer within a period of three weeks from today and shall cooperate in course of investigation. He will also abide by the conditions as prescribed under Section 438(2) of the Cr.P.C.

The application is allowed.

(Rajeev Ranjan Prasad, J)

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