

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74725 of 2019

Arising Out of PS. Case No.-103 Year-2016 Thana- VIGILANCE District- Patna

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KEDAR NATH PANDEY, S/o Late Raj Narayan Pandey, Resident of 73,
M.I.G., Hanuman Nagar, P.O.- Lohiya Nagar, P.S.- Patrakar Nagar, District-
Patna

... .. Petitioner/s

Versus

The State of Bihar through the Director Genral , Vigilance Patna. Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arun Kumar, Adv.

For the Opposite Party/s : Mr.Anjani Kumar (L.O.Inc.Vigilance,Bihar,Patna)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-11-2019 Heard learned counsel for the petitioner,learned counsel for
the Vigilance and learned APP for the State.

The petitioner is apprehending arrest in a case which has
been registered for the offences punishable under Sections 420,
467, 468, 471, 472, 477A, 409 and 120B of the Indian Penal
Code and Section 13(2) read with Sections 13(1)(d) of the
Prevention of Corruption Act, 1988.

The prosecution case as per the written report of the
Deputy Superintendent of Police, Vigilance Investigation
Bureau, Patna, addressed to the Superintendent of Police-cum-
Officer-in-charge, Vigilance P.S., in sub and substance is to the
effect that irregularities were committed in distribution of grant
of Government funds and payments were illegally made to 7



teaching and 39 non-teaching employees in the session 2005-06, 8 and 11 teaching and 48 and 48 non-teaching employees for the session 2006-09 and 8 teaching and 46 non-teaching employees for the session 2007-10. Such payments were made from the grants which were received from the State Government, whereas such posts were not sanctioned by the State Government. Besides this, it was also alleged that genuine persons have been denied the benefit of grant, the examination were conducted in illegal manner and that records of the college were tampered to influence the seniority.

It is submitted by the learned counsel for the petitioner that initially as per Section 35 of the Bihar University Act, 1976, the grants could be distributed only amongst the employees who were working on posts sanctioned by the State Government. But subsequently, in view of a Notification issued under the signature of Joint Secretary, Human Resources Department, the power of creating posts in non-aided colleges was given to the Vice-Chancellor of the University concerned. As such the Vice-Chancellor, sanctioned the posts in the college and acting thereupon, payments were made to the teaching and non-teaching employees, who were working on the post duly sanctioned by the University. It is further submitted that



considering the said factual aspect of the matter, co-accused Dr. Gajendra Prasad Singh, the Principal of the College has been granted pre-arrest bail vide order dated 11/07/2017 in Criminal Miscellaneous No.11580 of 2017. Learned counsel for the petitioner further submits that the case of the petitioner is on a better footing than that of the Principal. It is further submitted that the investigation is already concluded and charge-sheet has been submitted.

Per contra, learned counsel for the Vigilance Vehemently opposes the bail of the petitioner and submits that payments have been made to the persons holding the posts which were not sanctioned by the State Government and as such public money has been misappropriated.

Considering the aforesaid submissions and the fact that similarly situated co-accused has been granted the privilege of pre-arrest bail by a Co-ordinate bench of this Hon'ble Court, let the petitioner be released on bail, in the event of arrest or surrender before the learned Court below within a period of 12 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 learned Special Judge, Vigilance, North Bihar, Muzaffarpur, in connection with Special Case No. 45 of 2016,



arising out of Vigilance P.S. Case No.103 of 2016, subject to the
conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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