

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16508 of 2020

Arising Out of PS. Case No.-101 Year-2016 Thana- VIGILANCE District- Patna

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KEDAR NATH PANDEY Son of 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 General, Vigilance, Patna.

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Arvind Kumar,APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 09-12-2021 Heard the parties.

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

The main allegation is that the Government Funds were utilized for payment of salary to the teachers and non-teaching staff including to those teachers who were not appointed against sanctioned posts.

Learned counsel for the petitioner submits that by order communicated through letter dated 27.07.2006 to all the Registrars of the Universities by Additional Commissioner, Human Resources Department, a copy at Annexure-5, that



henceforth creation and sanction of posts would be done under provisions of Sections 35 and 59 of the Universities Act wherein the Vice Chancellor is authorized to sanction the posts. The paper at Annexure-B would reveal that the posts were sanctioned on which the teachers were working to whom payments were made.

The petitioner was simply Member of the Managing Committee which was taking policy decision and without verifying all these facts, FIR of misuse of public money has been alleged. Another FIR was also lodged relating to same incident wherein a Coordinate Bench has granted anticipatory bail to the petitioner.

Mr. Arvind Kumar, learned A.P.P. for the State opposed the prayer for anticipatory bail.

Let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Special Case No.43 of 2016 arising out of Vigilance (Patna) P.S.Case No.101 of 2016, subject to the conditions as



laid down under Section 438(2) of the Code of Criminal Procedure as well as subject to the following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned court below.

(b) The petitioner shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(c) The petitioner shall not leave the country without permission of the learned Trial Court.

(Birendra Kumar, J)

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