

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28505 of 2020

Arising Out of PS. Case No.-46 Year-2019 Thana- VIGILANCE District- Patna

RAJESH KUMAR S/o Shakendra Prasad Resident of Budha Vihar Colony,
Budhlalbhagat Banglappar, P.S.-Delha, District-Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Ramakant Sharma, Sr. Advocate
For the State	:	Mr.Akhileshwar Dayal, APP
For the Vigilance	:	Mr. Arvind Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 12-01-2021 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the Vigilance Investigation
Bureau.

The petitioner, in the present case, is seeking pre-arrest
bail in connection with Special Case No. 43/2019 Vigilance P.S.
Case No. 46/2019 registered for the offences punishable under
Sections 420/467/468/471/474/120(B) of the Indian Penal Code
and under Section 13(2) read with Section 13(1)(a) of Prevention
of Corruption Act.

Learned Senior Counsel for the petitioner submits that
the present case contains nothing but a repetition of allegations
which were subject matter of investigation in Delha (Gaya) P.S.
Case No. 132/2018 registered for the offence under Section
420/467/468/471 of the Indian Penal Code. A charge-sheet has
already been submitted in the said case and the petitioner was



granted pre-arrest bail in the said case.

Learned Senior Counsel further submits that as per the F.I.R. the then Director, A.I.C.T.E. - C.E.P. A. Kalanidhi and P.V. Parthsarathi, General Secretary of the Institute of Motor Industry, Chennai had acted with malafide intention and for personal gain that they had provided benefit to the private Institutions across the whole country even after closure of the particular programme. It is alleged that through a deed of Trust in which the petitioner is a Trustee, one Magadh Technical Training College, Gaya was established and the said Institution had taken admission against norms of A.I.C.T.E.-CEP.

It is alleged that all the members of the Trust and the then Director and others had fraudulently opened many institutions with intention of getting illegal income and fraudulently cheated the innocent students.

Learned Senior Counsel submits that his basic argument at this stage would be that the same allegation against the petitioner is already investigated and the petitioner is facing trial in the said case. The present F.I.R. has been lodged by the Vigilance Investigation Bureau after conducting an inquiry on the directions issued by the learned Lokayukta (Judicial Member), Bihar.

In the present case also two of the Trustees of this Trust have been granted privilege of pre-arrest bail by a learned



coordinate Bench of this Court in Cr. Misc. No. 7336/2020 as contained in Annexure '4' of this application. It is his submission that the only difference in the present case is that some of the officers of the A.I.C.T.E. and others have also been brought within the purview of the case.

Mr. Arvind Kumar, learned Standing Counsel for the Vigilance Investigation Bureau has opposed this application. In course of argument, learned Standing Counsel has narrated how the present case has been registered on the direction of the Lokayukta (Judicial Member), Bihar. He has also accepted at the Bar that earlier the matter was enquired into by the Hon'ble Lokayukta and thereafter the Delha (Gaya) P.S. Case No. 132/2018. In the counter affidavit also it is stated that by order of Hon'ble Lokayukta (Judicial Member), Bihar the process of amalgamation of Delha (Gaya) P.S. Case No. 132/2018 with the present case has been initiated and order for transfer of Delha (Gaya) P.S. Case No. 132/2018 has been passed by learned A.C.J.M. - 11th Civil Court, Gaya on 07.10.2018.

Learned Senior Counsel for the petitioner has immediately responded to the submissions saying that in fact the statement made on behalf of the Vigilance Investigation Bureau to this effect in the counter affidavit only strengthens his case that the allegation against the petitioner in the present case is only by way



of a repetition.

Learned counsel for the Vigilance Investigation Bureau does not deny this much that so far as this petitioner is concerned, the allegation against him in the present case is the same allegation which were subject matter of investigation in the earlier case being Delha (Gaya) P.S. Case No. 132/2018.

Having regard to the facts and circumstances of the case, in the nature of the allegations, there being an earlier case in which the petitioner has already been granted pre-arrest bail vide Annexure '3' to the present application and the submission of learned Senior Counsel for the petitioner that the allegation against him in the present case is in fact nothing but by way of a repetition of same allegation, having remained uncontroverted at this stage, let the petitioner above-named in the event of his arrest or surrender within a period of four weeks from today in connection with Special Case No. 43/2019 arising out of Vigilance P.S. Case No. 46/2019, be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Vigilance, Patna, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when



required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

It goes without saying that the petitioner shall cooperate in course of investigation and as and when required for purpose of investigation he will present himself before the Investigating Officer.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

