

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16115 of 2022

Arising Out of PS. Case No.-2 Year-2021 Thana- VIGILANCE District- Patna

VINOD KUMAR SINGH @ VINOD KUMAR Son of Shri Birendra Singh
Resident of Village - Jai Prakash Nagar, Gewal Bigha, P.s.- Civil Lines, Distt.-
Gaya.

... .. Petitioner/s

Versus

The State of Bihar through Vigilance Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 9374 of 2022

Arising Out of PS. Case No.-2 Year-2021 Thana- VIGILANCE District- Patna

PUSHPENDRA KUMAR VERMA @ PUSHPENDRA KUMAR Son of Sri
Lallan Prasad Verma Resident of Village - Kalyani Co-Operative, behind
Satya Gas Godown, Harnichak, P.s.- Anishabad, Phulwari, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar through the Special Vigilance Unit, Patna. Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 15756 of 2022

Arising Out of PS. Case No.-2 Year-2021 Thana- VIGILANCE District- Patna

SUBODH KUMAR Son of Late Bhuneshwar Yadav Resident of Village -
Turikala, P.O. and P.S. - Magadh University, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar through Vigilance Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 16115 of 2022)

For the Petitioner/s : Mr. Sanjay Singh, Sr. Adv.
Mr. Harsh Vardhan, Adv.

For the Opposite Party/s : Mr. Arvind Kumar, Adv.
(In CRIMINAL MISCELLANEOUS No. 9374 of 2022)

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Adv.
Mr. Avanish Kumar Singh, Adv.

For the O.P./Vigilance : Mr. Rana Vikram Singh, Spl. P.P.
(In CRIMINAL MISCELLANEOUS No. 15756 of 2022)



For the Petitioner/s : Mr. Rajesh Kumar Singh, Sr. Adv.
Mr. Santosh Kumar Pandey, Adv.
Ms. Akriti Aishwarya, Adv.
For the Opposite Party/s : Mr. Arvind Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

3 19-05-2022 The applicant Vinod Kumar Singh, the Assistant Professor and In-charge of the Library of the Magadh University was given out of turn hearing because his 87 years old father was advised by the hospital at Gaya to undergo surgery of the prostate and he was advised to shift himself to the higher centre. Other applications were taken up for hearing those being the connected matters arising out of the same crime.

Cr. Misc. No. 16115 of 2022 is filed by the applicant/accused Vinod Kumar Singh @ Vinod Kumar, the Assistant Professor and In-charge of the Library of the Magadh University. Cr. Misc. No. 9374 of 2022 has been filed by the applicant/accused Pushpendra Kumar Verma @ Pushpendra Kumar, the Registrar of the said University whereas Cr. Misc. No. 15756 of 2022 has been filed by the applicant/accused Subodh Kumar, a clerk working in the said University. By these applications they are seeking bail in Special Case No. 48 of 2021 pending on the file of the learned Special Judge, Vigilance Patna arising out of Special Vigilance Unit P.S. Case No. 02 of 2021. Though the FIR was registered for the offences



punishable under Sections 120(B), 420 of the I.P.C. as well as Section 12 r/w 13(2) r/w 13(1)(b) of the Prevention of Corruption Act, 1988, ultimately the charge sheet against the applicants/accused came to be filed for offences punishable under Section 420 and 409 read with 120(B) of the IPC. That is how, now it is reported that special case is transferred to the court of the Judicial Magistrate, 1st Class for trial.

Heard the learned counsel appearing for all the applicants. On behalf of applicant Vinod Kumar Singh, the Assistant Professor and In-charge of the Library, it is argued that this applicant was made In-charge of the Library Committee only in July 2021 whereas the alleged offence took place for the period from 2019 to 2021. He had not attended any meeting of the Library Committee prior to July 2021 and as such is not responsible for any of the transactions done by the said Committee.

On behalf of the applicant Pushpendra Kumar Verma, the Registrar of said University, it is argued that this applicant had joined the post of Registrar of Magadh University on 02.08.2021 and by 27.06.2021, all purchases by determining the quantity, selecting the vendors as well as publishers and fixation of rates came to be finalized by the concerned



authorities. Therefore, he had no role to play in the subject crime.

So far as applicant Subodh Kumar is concerned, it is argued that this applicant was merely a clerk in the Magadh University and was not having any power to sanction money for payment to the agencies. It is argued that allegations levelled against him are to the effect that he was terrorizing the employees and officers of the University to toe the line of main accused Rajendra Prasad, the then Vice Chancellor of the said University. It is alleged against him that he forced Suraj Singh of the ABVP to withdraw the PIL by threatening him and had insisted the then Controller of Examination to make payments to the parties. He had threatened Manish Sinha to obey the command of the main accused.

With this it is argued by the learned counsel appearing for the applicants that all the applicants are entitled for bail.

The learned Prosecutor appearing for the respondent argued that applicant Vinod Kumar Singh was In-charge of the Library and he had effected the entire payments. For this purpose report of the internal enquiry committee of Magadh University was pressed in service. Reliance is also



placed on the order passed by the learned trial court rejecting the application for grant of bail.

So far as applicant Pushpendra Kumar Verma is concerned, the learned Prosecutor opposed the application by contending that being Registrar, it was duty of the applicant Pushpendra Kumar Verma to verify the record before clearing payments to the private parties. However, he had effected payments and had not asserted the fact that there was no need to purchase the material requisitioned. He connived with the then Vice Chancellor and effected payment to the private parties by diverting the funds. It is further argued that this applicant had sanctioned payment of salary of 85 security guards when in fact only 35 security guards were working at the University.

So far as applicant Subodh Kumar is concerned, the learned Prosecutor argued that this clerk of the University had threatened all concerned to toe the line of principal accused Rajendra Prasad, the then Vice Chancellor of the said University. He had abetted commission of the crime by facilitating commission of the subject crime.

I have considered the submissions so advance and also perused the material placed before me.

After obtaining necessary authorization under



Section 17 of the Prevention of Corruption Act, 1988 to investigate the vigilance case against Dr. Rajendra Prasad, the then Vice Chancellor of Magadh University, the FIR of the subject crime came to be lodged by the Superintendent of Police, Special Vigilance Unit, Patna on 16.11.2021. In the said FIR, applicant Vinod Kumar Singh and Pushpendra Kumar Verma are not named as accused persons. It is averred in the FIR that Dr. Rajendra Prasad, the then Vice Chancellor and applicant Subodh Kumar, clerk of the University entered into criminal conspiracy with private firms as well as officers of the University named Om Prakash and Jitendra Prasad. They all fraudulently and dishonestly cheated the State Government to the extent of rupees twenty crores during the years 2019-2021 by effecting purchases of consumable items used by the University during the course of conducting examination and otherwise. Bills were raised against the Magadh University and Veer Kunwar Singh University by ordering the material without requirement and by violating the tender procedure and payments were used to be effected. With these accusation, the criminal law was set in motion which ultimately culminated into filing of the charge sheet against the accused persons including the present applicants on 16.03.2022 for offences punishable under



Sections 420, 409 read with 120(B) of the I.P.C. and now it is reported that the case is pending on the file of the learned Judicial Magistrate as it is triable by the court of the Magistrate.

So far as applicants Vinod Kumar Singh, Assistant Professor and In-charge of the Library and Pushpendra Kumar Verma, the Registrar of Magadh University are concerned, the allegation against them as reflected from the statement of accusation found in the charge sheet are to the effect that investigation disclosed that Pushpendra Prasad Verma whose role transpired during investigation, was functioning as Registrar in Magadh University from 02.08.2021. He connived with Dr. Rajendra Prasad in the fraudulent payment related to e-book for which the University was defrauded to the extent of Rs. 14513865/-. He connived with Dr. Rajendra Prasad and others and facilitated the payment in respect of above with a knowledge that the deal pertaining to purchase of e-book was fraudulent in totality and the same was purchased without requirement or recommendation of respective Head of Department confirming the requirement and also with the knowledge that many of these books were also available at the site free of cost and open sources free of cost. Investigation also disclosed that he was also instrumental in the fraudulent month



of June 21 to September 21 payment in respect of deployment of security guard in the campus. Investigation further disclosed that Shri Binod Kumar Singh also joined the group of conspirators and fraudulently proposed in favour of Pvt. firms facilitating purchase of e-books and OMR sheet through XLICT whose role is under examination. On this fraudulent supply Rs. 8.93 crores was paid to M.A. Kumar which is an account of XLICT. The agreement made in this regard was also on fake stamp paper.

So far as applicant Subodh Kumar, the clerk in the University is concerned, it is alleged against him that he was a shadow of Dr. Rajendra Prasad, the then Vice Chancellor and had facilitated commission of the subject crime by threatening all concerned.

Though it is pointed out that there is one criminal antecedent against the applicant Pushpendra Kumar Verma, considering the nature of offence, the same pales into insignificance for the purpose of grant of bail to him.

The offence alleged against the applicants is triable by the court of the Magistrate. It is based on the documentary evidence collected during the course of investigation. It is not even expressed by the prosecution that if release on bail, the



applicants who are employees of the University, shall not be available for trial. The applicants are reported to be undergoing pre-trial detention from December 2021. Investigation of the subject crime is over. It is not pointed out as to how the applicants would be in a position to tamper the documentary evidence collected by the prosecution and filed with the charge sheet. Such apprehension is not even expressed by the prosecution in the instant case.

In this view of the matter, after filing of the charge sheet, no further pre-trial detention of the applicants is warranted and therefore, the order:-

- i. The applications are allowed.
- ii. The applicants/accused in Special Case No. 48 of 2021 pending on the file of the learned Special Judge, Vigilance, Patna arising out of Special Vigilance Unit P.S. Case No. 02 of 2021, be released on bail on executing P.R. bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each and on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicants/accused should not contact the prosecution witnesses or any person acquainted with the facts of the accusation against them so as to dissuade them from



disclosing such facts either to the Court or to any police officer.

(II) The applicants/accused should cooperate the trial court in expeditious disposal of the trial against them.

(III) The applicants/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicants should not repeat commission of similar offence in future and if they are found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicants in the instant case.

The applicants to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

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