

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13307 of 2022

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

=====

Jai Nandan Prasad Singh @ Jainandan Singh @ Shri Jaynandan Singh @
Prof. Jainandan Prasad Singh, Son of Late Ambika Singh @ Ambika Prasad
Resident of Village - Tootabari, Gaya, P.s.- Kotwali, Distt.- Gaya.

... .. Petitioner/s

Versus

The Special Vigilance Unit, Daroga Rai Path Patna. Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Pushkar Narain Shahi, Sr. Adv.

For the Opposite Party/s : Mr. Anil Singh, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 26-05-2022 Heard Mr. Pushkar Narain Shahi, learned Senior

Counsel appearing on behalf of the petitioner and Mr. Anil

Singh, who represents the opposite party.

Let the defect(s) be removed within four weeks of the

complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection

with Special Case No.48 of 2021 arising out of SUV (Special

Vigilance Unit) Case No.2 of 2021 instituted under Sections

120(B)/420 of the Indian Penal Code and Sections 12r/w 13(2)

& 13(1)(b) of the Prevention of Corruption Act, 1988.

As per the prosecution story, on 16.11.2021, the

accused no.1 Dr. Rajendra Prasad while working as Vice-

Chancellor, Magadh University, Bodh Gaya entered into a



criminal conspiracy with Shri Subodh Kumar, accused no.2, as also the private firms namely M/s Poorva Graphics, M/S XLICT, accused nos.3 and 4, Shri Om Prakash, accused no.5, Shri Jitendra Prasad, accused no.6 and other unknown persons and in pursuance thereof fraudulently and dishonestly cheated the Government of Bihar to the extent of Rs.20 Crore (Twenty Crore) approximately during the year 2019-21 in the matter of purchase of various items related to use of University during examination and otherwise. It was further alleged that for the purchase of materials, there has to be requisition, tender and so far as feasible the material should be procured through GEM after meeting all the codal formalities. A proposal to this effect was brought to the notice of the accused no.1, who was the authority, competent to pass such order for payment based on the recommendation. It was further alleged that ignoring the advice of the competent officer, the accused no.1 entered into a criminal conspiracy with accused no.2 and accused no.3 to raise bill to the extent of Rs.20 crores from Magadh University and Veer Kunwar Singh University, both without assessing the requirement and violating the tender procedure and justification of rate etc. The accused no.1 was also holding the charge of Veer Kunwar Singh University. Reportedly, all the materials



including books are lying idle without any use. No record was submitted by the accused parties regarding the quantum of supply etc. but accused no.1 fraudulently entertained all the bills to facilitate payment in pursuance of criminal conspiracy. It was further alleged that a strong objection note was put up by the officers dealing with the financial matters as well as the then Vice-Chancellor of Veer Kunwar Singh University also but they were ignored. Two officers namely accused no.5 and accused no.6 were pressed into service who cleared all the fraudulent bills of accused no.3 and accused no.4. It has further been alleged that accused no.1 in connivance with the other accused persons acquired huge movable and immovable properties at different places by using aforesaid *modus operandi* and as such are also responsible for the abatement of crime.

A supplementary affidavit has been filed on behalf of the petitioner incorporating charge-sheet submitted as also the order of a co-ordinate Bench of this Court dated 19.05.2022.

Mr. Pushkar Narayan Shahi, learned Senior Counsel with the support of the averments made in the bail application has submitted that:

(i) the Special Vigilance Unit, Patna had conducted a raid in the official residence of the Vice-Chancellor, Magadh



University at Gaya as also at Gorakhpur and the University campus and huge cash apart from foreign currencies were recovered/seized;

(ii) the petitioner who was the Proctor cum Dean, Social Science and the Incharge Library Science Department, Magadh University was directed by the Deputy Special Unit, Patna to appear before him who duly complied the said direction and had also sent detailed reply along with desired documents through post on 08.12.2021;

(iii) he always co-operated in the matter as and when required with necessary statements/documents;

(iv) the allegation of excess payments were made to the security agency in which it was alleged that although only 47 guards/persons were performing duty, payments were made to 85 persons. The same was also explained by the petitioner that as the duty of the guard is of 8 hours per day and they do duty on two shifts, a single guard is being paid salary for doing 12 hours duty. The petitioner had further informed the Investigating Officer that after the raid was conducted, many security guards fled away on fear of being arrested or being questioned and as such they were unavailable at the time of raid.

(v) however, despite him always co-operating in the



investigation, the petitioner was finally arrested on 20.12.2021.

As stated above, by way of supplementary affidavit the petitioner has brought on record the charge sheet no.2/2022 dated 16.03.2022 which has been submitted amongst others, the petitioner herein.

Learned Senior Counsel has drawn attention of this Court to the contents of the charge sheet as available on page-14 wherein it has been recorded that it was Puspendra Prasad Verma who was functioning as Registrar in the Magadh University who had connived with the Vice-Chancellor Dr. Rajendra Prasad and defrauded to the extent of Rs.14513865/-.

Learned Senior Counsel further submitted that even with regard to the payment of the security guard in the campus, the charge sheet states 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. 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.

Learned Senior Counsel further submits that though the charge-sheet also says that Jaynandan Prasad (the petitioner herein) was working as a Proctor in the University and being the



In-charge recruitment of guards; he also became part of the conspirators in the fraudulent payment towards the deployment of inflated number of guards causing wrongful loss to the University. He has also been charged for wrongful loss of money due to unauthorized occupations of people in the University Guest House.

Learned Senior Counsel has further drawn this Court's attention to the Annexure-2 of the supplementary affidavit which relates to the order granting bail to accused Pushpendra Kumar Verma (Cr. Misc. No.9374/2022), Vinod Kumar Singh @ Vinod Kumar (Cr. Misc. No.16115/2022) and Subodh Kumar (Cr. Misc. No.15756/2022); all of whom have been granted privilege of bail by a common order dated 19.05.2022 by a co-ordinate Bench of this Court. He has drawn attention to relevant portion of the said order read as follows:

“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.”

The co-ordinate Bench of this Court further held that after filing of charge sheet, no further pre-trial detention of the applicants is warranted and thus the bail applications were allowed to the said accused persons with certain conditions.

Mr. Shahi thus contended that the petitioner too being similar situate to that of the other accused persons, deserves bail.

Mr. Anil Singh, learned counsel appears for the opposite party and has submitted that a bare perusal of the FIR as also the charge sheet (that has been submitted against the accused persons including the petitioner herein) would show that he was one of the main conspirator of the huge financial loss that the University suffered on account of inflated numbers of the security guards as also unauthorized occupation of illegal persons in the University Guest House. He as such submits that considering the gravity of the case, the petitioner do not deserve bail.

This Court has gone through the rival submissions of the contesting parties and is of the opinion that the investigation into the matter has now come to an end after the submission of



charge sheet. The petitioner having been charge-sheeted will have to face the trial. Further, there is no question of tampering with the evidence by the petitioner after the charge sheet stands submitted. Also, similar situate accused persons, namely, Pushpendra Kumar Verma, Vinod Kumar Singh @ Vinod Kumar and Subodh Kumar who have been clubbed as the conspirator to the said financial loss to the University have since been granted the privilege of bail by a co-ordinate Bench. Thus this Court deems it fit that the same privilege is also extended to the petitioner herein with certain conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs.50,000/-(Rupees Fifty Thousand) with two sureties of the like amount each in connection with Special Case No.48 of 2021 arising out of SUV (Special Vigilance Unit) Case No.2 of 2021 to the satisfaction of learned Special Judge, Vigilance, Patna , subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his



bail by the Trial court itself;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

U		T	
---	--	---	--

