

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45412 of 2021

Arising Out of PS. Case No.-130 Year-2016 Thana- VIGILANCE District- Patna

1. DUDHNATH SINGH Son of Late Indrajeet Singh, Resident of Village - Tilsandi, P.S.- Barhariya, Distt.- Siwan.
2. Birendra Kumar Rai @ Birendra Kumar Son of Sarvanand Singh, Resident of Village - Muther, P.S.- Karuna O.P.(Jehanabad), Distt.- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar Through The Superintendent of Police cum SHO,
Vigilance Investigation Deptt. Patna, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Dipak Kumar, Advocate Mr. Chakrapani, Advocate Mr. Ashutosh Kumar, Advocate Mr. Amritanshu Udbhava, Advocate
For the Opposite Party/s	:	Mr.Arvind Kumar, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

CAV ORDER

6 05-09-2022 The learned counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within one month.

I have already heard the learned counsel for the petitioners as well as the Special Public Prosecutor for the Vigilance.

The petitioners apprehend their arrest in connection with Vigilance Case No. 130 of 2016 registered for offence punishable under sections 109, 409, 420, 476, 471, 120(B) (c) of the Indian Penal Code and sections 13 (2) read with 13 (c) (d) of



the Prevention of Corruption Act.

As per allegation, in spite of direction to the President, Secretary and the Principal of Degree College not to appoint the teaching and non-teaching staff in the light of letter No. 288 G.S.III B, dated 22.04.1993, the present petitioner along with Secretary Rup Bihari Singh and other accused persons made appointments of 70 teaching and 44 non-teaching staff overlooking the direction and also distributed the salary to them worth Rs. 89,70,000/-, as such, they committed financial irregularity.

The learned counsel for the petitioners has submitted that prior to institution of the present case, the President of Teachers Association made a written complaint before the Principal Secretary of Vigilance Department regarding illegal appointment as well as misappropriation of the fund by the Secretary of the D.N. College, Masaurhi, named Rup Bihari Singh, who is an accused in the present case. The President of Association/Union narrated, how the Secretary of the college in question declaring him as donar, administered the function of the college in question. Petitioner no. 1 is Principal and Petitioner no. 2 is Assistant Professor and members of governing body for the teacher for a period of one year only. It



has been submitted further that petitioner no. 1 was appointed as Principal in the year 1999 and the appointments were made by the Secretary in the year 2005 and thereafter, the government aid was received in the year 2007-08 and 2008-09 and it was disbursed by the Secretary and the then Principal Incharge of the college in question. The petitioners were victimized by the Secretary of the College. He has submitted further that the main accused is the Secretary Rup Bihari Singh, who has been granted anticipatory bail by the coordinate Bench of this Court in Criminal Misc. no. 11563/2017, vide order dated 04.07.2017.

On the other hand, the learned Special Public Prosecutor has opposed the prayer for bail and submitted that the Secretary, Principal, the Assistant Professor and other accused persons, after ignoring the directions, made appointments and reimbursed salary to those staffs.

Co-accused Rup Bihari Singh, who is Secretary of the college has been granted anticipatory bail and while disposing of the anticipatory bail petition of co-accused Rup Bihari Singh in Criminal Misc. no. 11563/2017, it was observed that the validity of the appointment was enquired at the instance of the government by the university in the year 2009 in which appointment was found in accordance with law with comment



that the roster was not followed in the said appointment and direction was given to follow the roster in future.

Considering the above-mentioned facts and circumstances, the petitioners above named, in the event of their arrest or surrender, within four weeks from today, are directed to be released on bail on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of learned Special Judge, Vigilance 1st, Patna in connection with Vigilance Case No. 130 of 2016, subject to condition as laid down under section 438(2) Cr. P.C.

Office shall ensure that all defects are removed by the petitioners within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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