

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36144 of 2023

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

RAJENDRA PRASAD @ DR. RAJENDRA PRASAD Son of Late Ram
Murti Yadav Resident of Prem Nilay, East Azad Nagar, New Shipuri Coloney,
P.S. - Ramgadhtal, Gorakhpur, U.P

... .. Petitioner/s

Versus

Special Vigilance Unit, Bihar, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Chitranjan Sinha, Sr. Advocate Mr. Ranjeet Kumar, Advocate Mr. Ayush Kumar, Advocate Mr. Kundan Kumar, Advocate Mr. Kanishk Kaustubh, Advocate Mr. Shikhar Mani, Advocate
For the Opposite Party/s	:	Mr. Rana Vikram Singh, Special P.P.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-07-2023 Heard Mr. Chitranjan Sinha, learned Senior Counsel

for the petitioner as also Mr. Rana Vikram Singh, learned

Special P.P. who represent the Special Vigilance Unit, Bihar,

Patna.

The petitioner is in custody in connection with Special
Case No. 48 of 2021 arising out of SVU P.S. Case No. 2 of 2021
for the offence under Sections 120(b), 420 and 409 of the I.P.C.
and Section 12 r/w Section 13(2) r/w Section 13(1)(b) lodged on
16.11.2021.

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, the 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. Accordingly, the F.I.R.

It has been contended by the learned Senior Counsel for the petitioner that the alleged recovery/seizure of huge amount at his Gorakhpur residence has no meaning in view of



the fact that he does not reside at that place. Further, so far as his own residence is concerned, Rs. 1,57,300/- was found in possession of his wife. He had hold a responsible post of Vice Chancellor of Magadh University and with the help of paragraph 12 of the petition submitted that he co-operated during the course of investigation and even during the pendency of his anticipatory bail application, by appearing before the Investigating Bureau.

It is his further submission that one of the co-accused Jai Nandan Prasad Singh @ Jainandan Singh @ Shri Jaynandan Singh @ Prof. Jainandan Prasad Singh who was the Proctor cum Dean, Social Science and the In-charge Library Science Department, Magadh University has since been granted privilege of bail vide Cr. Misc. No. 13307 of 2022.

The last submission is that now the charge-sheet has been submitted and there is no question of tampering with the evidence, has remained in custody since 08.02.2023 (as stated in paragraph 11 of the petition) and do not have any criminal antecedent and thus is entitled to bail. Further, he is ready to abide by the terms and conditions, if granted the bail.

Mr. Rana Vikram Singh, learned counsel who represent the Special Vigilance Unit, on the other hand, submits



that from his Gorakhpur residence, huge amount of cash was recovered/seized, although he appeared in investigation, was not co-operative and further he may be a flight risk, if released on bail. The last submission is that he may delay the trial.

This Court has gone through the rival submissions put forward by the parties. The petitioner is an ex-Vice Chancellor of the Magadh University and as per the paragraph 12 of the petition has co-operated in the investigation. Now that the charge-sheet has been submitted, he do not have criminal antecedent and has remained in custody since 08.02.2023 and further as one of the co-accused, Jai Nandan Prasad Singh, as stated above, has since been released on bail, this Court is inclined to extend him privilege of bail with conditions in view of the submissions put forward by the learned Special P.P. for Special Vigilance Unit that he may delay the trial.

Let the petitioner be released on bail on furnishing bail bond of Rs. 5,00,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Special Judge, Vigilance, Patna, in connection with Special Case No. 48 of 2021 arising out of SVU P.S. Case No. 2 of 2021. subject to the following conditions:

- (i) both the bailors should be the family members of



the petitioner who shall provide official documents 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 reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) he will surrender his passport, forthwith, during the execution of the bail bond.

With the aforesaid observations, the application is allowed.

(Rajiv Roy, J)

kiran/-

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

