

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22548 of 2024

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

SIDHNATH PRASAD YADAV DEEN @ SIDHNATH PRASAD YADAV
Son of Late Radheshyam Prasad Deen Resident of Mohalla-Anugrah Puri
Colony, Police Station-Rampur, District-Gaya

... .. Petitioner/s

Versus

The State of Bihar Through the Vigilance Patna, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Krishna Chandra
For the Opposite Party/s:		Mr.Arvind Kumar
		Mr. Rana Vikram Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
CAV

12 08-04-2025 Heard learned counsel for the petitioner as well as
learned Spl. PP for the Vigilance Special Unit.

2. The petitioner apprehends his arrest in connection with
Special Case No.48 of 2021, arising out of Special Vigilance
Unit (SVU) P.S. Case No.02 of 2021, registered for the off-
fences u/s 120(B), 420 and 40 of IPC and Sections 12 r/w,
13(2) r/w. 13(1)(b) of the P.C. Act 1988.

3. As per the FIR, Dr. Rajendra Prasad, while working as
the Vice Chancellor, Magadh University, Bodhi Gaya hatched
a criminal conspiracy with the assistance of Finance Officer,
Veer Kunwar Singh University; the Registrar, Patliputra Uni-
versity, private firms namely, M/s Poorva Graphics & M/s



XLICT Software Pvt. Ltd. and other unknown accused persons and fraudulently and dishonestly cheated the Government to the extent of Rs.20 crores during the year 2019-21 in the matter of purchase of various items related to the use of University during examination and otherwise. It is alleged that ignoring the advice of the competent officer, the accused persons raised bill to the extent of Rs.20 crores from Magadh University and Veer Kunwar Singh University without assessing the requirement and violating the tender procedure and justification of rates etc. The Finance Officer, Veer Kunwar Singh University and Registrar, Patliputra University cleared all the fraudulent bills of the private firms named above.

4. Learned counsel for the petitioner submitted that the petitioner is innocent and has not committed any offence. He has been falsely implicated in this case. Petitioner has no criminal antecedent. Petitioner is not named in the FIR as the same has been lodged against 6 names accused persons and other unknown persons who are said to have misappropriated Rs.20 Crore in purchase of items used for examination of Magadh University (hereinafter called as the M.U.) contrary to the tender policy and certain items used for Veer Kunwar Singh University, Ara (hereinafter called as the VKSU) which are lying



idle and payment have been made against those items causing heavy financial loss to the exchequer.

5. Petitioner joined the service as Lecturer in M.U., in the year 1985 and after due promotion, he acquired the post of Professor (Zoology) and at present working as Director, Department of Post Graduate (Biotechnology), Magadh University, Bodh Gaya. At the relevant point of time, petitioner was appointed as Registrar of the M.U. who joined the said post on 14.12.2019 and on finding the difficulties being faced by him as Registrar, submitted his resignation on 08.03.2020, which was ultimately accepted on 18.03.2020 and therefore, it is evident that the petitioner remained on the post of Registrar for three months only.

6. It is further submitted that the investigation was handed over to the Deputy Superintendent of Police of Special Vigilance Unit, who carried out the investigation and submitted charge sheet No.02/2022 dated 16.03.2022 under Sections 120B, 420 and 409 of the IPC against co-accused persons. The name of the petitioner transpired in the supplementary charge sheet which was submitted after almost one year of submission of charge sheet. The only allegation against the petitioner is that he, being the Registrar of the M.U. had also recom-



mended the payment against the order of printing of question papers worth of Rs.72,16,066/- in favour of “Firm-A” i.e. M/s XLICT Software Pvt. Ltd., who was assigned the said work without issuing any tender/quotation.

7. He further submitted that the work of printing of question paper, which was awarded to M/s XLICT Software Pvt. Ltd., the quotations were invited and after due consideration and on finding the quotation to be the lowest one, the work order was issued by the then Controller of Examination, M.U., Body Gaya on 12.10.2019 in the name of “FIRM- A”, in order to maintain secrecy in the matter.

8. Petitioner remained in the M.U. on the post of Registrar for a very short period of about three months and during the said period, the payment order was placed before the petitioner after being checked and verified by the Finance Department, who after finding the work order and recommendation of officials of M.U. including of Examination Controller, was left with no option, but to recommend the payment order, which was ultimately approved by the Vice Chancellor.

9. Petitioner has no concern with the firm namely M/s XLICT Software Pvt. Ltd. in whose favour the work order was issued prior to joining on the post of Registrar nor the pe-



petitioner has withdrawn any amount causing any loss nor there is any incriminating material surfaced otherwise against the petitioner, therefore, no offence is made out against the petitioner.

10. It is further submitted that petitioner was discharging his duties as Registrar who had to perform several duties attached to the post including recommendation of payments and in course of same, when the petitioner found certain discrepancies, he submitted his resignation on 08.03.2020, which was accepted on 18.03.2020, therefore, the petitioner is in no way connected in assigning the work to the said firm.

11. It is lastly submitted that the Vigilance Court while rejecting the anticipatory bail of the petitioner, has not observed that the order of printing of question papers worth of Rs.72,16,066/- was directly placed to XLICT Software Pvt. Ltd. without any tender/quotation and the petitioner being the Registrar recommended the payment along with the other officials of the M.U. The accusation levelled against the petitioner is without any basis and the petitioner has been made accused only on the basis of suspicion and thus, the petitioner deserves the benefit of anticipatory bail.

12. He further submitted that Mr. D.P. Tiwary, the then Vice



Chancellor of Veer Kunwar Singh University, under whom the petitioner worked gave his statement before the Investigating Agency and has said nothing against the petitioner, he has only stated against co-accused Dr. Rajendra Prasad.

13. Learned counsel for the petitioner relied upon the judgment of the Apex Court in the case of **Mahdoo Bava Vs. CBI reported in 2023 LiveLaw (SC) 218 Cr. Appeal No.915/2016**. He further relied upon the case of **Maghendra Pratap Singh @ Pankaj Singh vs. The State of Chhattisgarh reported in (2023) 4 S.C.R. 829** and **Musheer Alam vs. State of UP and Anr. Reported in (2025) SCC OnLine SC 116**.

14. He further submits that during the investigation, the petitioner has given his full cooperation to the Investigating Agency and after investigation, the SVU has filed chargesheet and now SVU is not required to do custodial interrogation against the petitioner as she is ready to cooperate in the trial.

15. Mr. Rana Vikram Singh, learned Spl.PP for the SVU opposed the prayer for bail. It is submitted that as per the materials available in the case diary, it is apparent that in respect of printing of question papers worth Rs.72,16,066/- orders were placed directly to XLICT Software Pvt. Ltd. without any



tender/quotation, this payment has been recommended by the then Finance Officer, Controller of Examination and was also recommended by this petitioner and was finally approved by the Vice Chancellor which was against the rules. As per the University Manual it was incumbent upon the authorities to float tender before placing work order to a firm more than Rs.50,000/- but the same was not done in this case and University manual was violated.

16. Learned counsel for the SVU relied upon the judgment of the Apex Court in the case of **Devinder Kumar Bansal vs. The State of Punjab (Special Leave to Appeal (CRL) No.3247 of 2025) reported in 2025 LiveLaw (SC) 291:-**

23. The presumption of innocence, by itself, cannot be the sole consideration for grant of anticipatory bail. The presumption of innocence is one of the considerations, which the court should keep in mind while considering the plea for anticipatory bail. The salutary rule is to balance the cause of the accused and the cause of the public justice. Over solicitous homage to the accused's liberty can, sometimes, defeat the cause of public justice.

24. If liberty is to be denied to an accused to ensure corruption free society, then the Courts should not hesitate in denying such liberty. Where overwhelming considerations in the na-



ture of aforesaid require denial of anticipatory bail, it has to be denied. It is altogether a different thing to say that once the investigation is over and charge sheet is filed, the Court may consider to grant regular bail to a public servant- accused of indulging in corruption.

25. *Avarice is a common frailty of mankind and Robert Walpole's famous pronouncement that all men have their price, notwithstanding the unsavoury cynicism that it suggests, is not very far from truth. As far back as more than two centuries ago, it was Burke who cautioned: "Among a people generally corrupt, liberty cannot last long". In more recent years, Romain Rolland lamented that France fell because there was corruption without indignation. Corruption has, in it, very dangerous potentialities. Corruption, a word of wide connotation has, in respect of almost all the spheres of our day to day life, all the world over; the limited meaning of allowing decisions and actions to be influenced not by the rights or wrongs of a case but by the prospects of monetary gains or other selfish considerations.*

26. *If even a fraction of what was the vox pupuli about the magnitude of corruption to be true, then it would not be far removed from the truth, that it is the rampant corruption indulged in with impunity by highly placed persons that has led to economic unrest in this country. If one is asked to name one sole factor that effectively arrested the*



progress of our society to prosperity, undeniably it is corruption. If the society in a developing country faces a menace greater than even the one from the hired assassins to its law and order, then that is from the corrupt elements at the higher echelons of the Government and of the political parties.

17. I have heard the parties at length and perused the record. It is admitted fact that the petitioner is also involved in the present case and similarly situated co-accused has been denied anticipatory bail by this Court in Cr. Misc. No.74836 of 2024 dated 13.02.2025, and also considering the ratio laid down by the Apex Court in the case of Devinder Kumar Bansal (supra) that if liberty is to be denied to an accused to ensure corruption free society, then the Courts should not hesitate in denying such liberty. Where overwhelming considerations in the nature of aforesaid require denial of anticipatory bail, it has to be denied. It is altogether a different thing to say that once the investigation is over and charge sheet is filed, the Court may consider to grant regular bail to a public servant-accused of indulging in corruption.

18. Considering the foregoing discussions, I am not inclined to grant bail to the petitioner. The prayer for grant of anticipatory bail on his behalf is hereby rejected.



19. Accordingly, this application stands dismissed.

(Anjani Kumar Sharan, J)

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