

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31577 of 2024

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

Om Prakash Son Of Late Bachai Lal Resident Of 275/223 Bhausali Tola Po-
Gtb Nagar Ps- Khuldabad District -PRAYAGRAJ Uttar Pradesh

... .. Petitioner/s

Versus

The State Of Bihar Through The Superintendent Of Police, Special Vigilance
Unit, Bihar Patna Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. K.D. Chatterji, Sr. Adv. Mr. Chandan Jha, Adv. Mr. Amlesh Kumar Verma, Adv.
For SVU		Mr. Rana Vikram Singh, Adv.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

7 21-04-2025 Heard learned senior counsel for the petitioner,

learned counsel for the Special Vigilance 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 under sections 109, 120B, 201, 409, 420, 467, 468, 471, 506 of the Indian Penal Code as well as sections 13(2) r/w 13 (1) (b) r/w 12 of Prevention of Corruption Act.

3. As per the FIR, Dr. Rajendra Prasad, while working as the Vice Chancellor, Magadh University, Bodh Gaya hatched a criminal conspiracy with the assistance of Finance Officer, Veer Kunwar Singh University, the Registrar, Patliputra University private firms namely, Ms 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. The petitioner was appointed to the post of Financial Advisor, Veer Kunwar Singh University (VKSU), Ara where he joined on 3rd May, 2018 and was also given an additional charge of Financial Advisor of Magadh University, Gaya vide notification dated 23.03.2021.

5. The allegation against the petitioner is that the petitioner and the accused no. 6, who was Finance Officer, had cleared all the bills of accused no. 3 and accused no. 4.

6. The allegation against the petitioner is that he connived with the main accused, Dr. Rajendra Prasad, the then



Vice Chancellor and other accused persons to clear the fraudulent bills of accused nos. 3 and 4.

7. Learned counsel for the petitioner submits that from bare perusal of the First Information Report, it can be inferred at the outset that the petitioner is not named in the FIR and his name has surfaced during the investigation and the charge-sheet has been submitted against the petitioner on 20.03.2023. It has been further submitted on behalf of the petitioner that petitioner is innocent and has been falsely implicated in the present case.

8. It has been further submitted that the petitioner despite having an additional pressure of an additional charge, he did his job to the best of his ability and the financial sanction and approval given by him for the service provided/work done or material supplied was duly scrutinized, verified and authorized by the competent authority and only thereafter the approved/recommended payment was made.

9. The learned Special Public Prosecutor for the Vigilance (SVU) opposed the prayer for bail and has drawn the attention of this Court to the averments made in the counter affidavit filed on behalf of the SVU. It has been stated in paragraphs-16 and 7 that the advice of the competent authorities



has been ignored by the petitioner and without assessing the actual requirement, the government money was misused and misappropriated. It has further been stated that after investigation of the case, a supplementary charge-sheet has been filed against the petitioner along with others showing that in conspiracy with the other accused persons he has caused huge loss to the government exchequer. This fact would be evident from perusal of the supplementary charge-sheet wherein the name of the petitioner has been taken along with other accused persons that they fraudulently and dishonestly cheated the Government of Bihar to the extent of Rs. 16,27,93,766/- during the period 2019-21 related to various work of the University with regard to the examination. The attention of the Court has also been drawn to the fact that the anticipatory bail application of several similarly situated accused persons have already been rejected by this Hon'ble Court.

10. In support of their contentions, both the learned counsel for the petitioner as also the learned counsel for SVU have relied upon the judgments of the Hon'ble Supreme Court. Learned counsel for the petitioner has relied upon the judgments in (1) **Santosh So Dwarkadas Fafat Vs. State of Maharashtra (2017) 9 SCC 714** (2) **Siddharth Vs. State of Uttar Pradesh &**



Anr. (2022) 1 SCC 676 (3) Aman Preet Singh Vs. CBI through Director 2021 SCC Online SC 941 (4) Satender Kumar Antil Vs. CBI & Anr. Reported as (2021) 10 SCC 773 (5) Mahdoo Bava Vs. CBI reported as 2023 SCC OnLine SC 299.

11. Learned Special P.P for the SVU has 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 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.

25. Avarice is a common frailty of mankind and Robert Walpole's famous pronouncement that all men have their price, notwithstanding the un-savoury 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.”

12. After considering the rival contentions of the parties, it appears that there is strong allegation of conspiracy as against the present petitioner showing his involvement and also considering the fact that similarly situated co-accused persons have already been denied the anticipatory bail by co-ordinate benches of this Court vide order dated 13.02.2025 passed in Cr. Misc. No. 74836 of 2024, Vide order dated 08.04.2025 passed in Cr. Misc. No. 32493 of 2024, Cr. Misc. No. 22548 of 2024, Cr. Misc No. 33718 of 2024, Cr. Misc No. 31143 of 2024, Cr. Misc. No. 32191 of 2024, Cr. Misc. No. 32719 of 2024 and Cr. Misc. No. 83228 of 2024 and by this Court vide order dated 16.04.2025 passed in Cr. Misc. No. 12349 of 2024 and order dated 17.04.2025 passed in Cr. Misc. No. 36735 of 2024 and also considering the ratio laid down by the Apex Court in the case of **Devinder Kumar Bansal (Supra)**, I am not inclined to grant anticipatory bail to the petitioner and his prayer for bail is



hereby, rejected.

13. This application stands dismissed.

(Soni Shrivastava, J)

devendra/-

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

