

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33718 of 2024

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

Manoj Gupta Son of Kedar Nath Gupta Resident of 4/231, Neem Gali,
Kuchahari Ghar, Belaganj, P.S.- Chhatta, Dist.- Agra (Uttar Pradesh), PIN-
282004

... .. Petitioner/s

Versus

1. The State of Bihar Patna
2. J.P. Mishra, SP/SVU, Patna Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Prasad, Advocate Mr. Ajit Kumar Sinha, Advocate
For the Opposite Party/s	:	Mr. Satya Nand Shukla, APP
For the S.V.U.	:	Mr. Rana Vikram Singh, Spl.PP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
CAV

11 08-04-2025 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in connection with
Special Vigilance Unit (SVU) P.S. Case No.02 of 2021,
registered for the offences u/s 13(1)(b) r/w Section 12 of the
Prevention of Corruption Act and Section 120(B), 420, 409,
467, 468, 471 of IPC.

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 University,
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 not misappropriated any amount and worked in accordance with law as per the order/instruction of the authorities concerned. Petitioner is a manager of M/s Poorva Graphic Offset Printers and he is working on monthly basis and there is no specific allegation against him. The order to supply of articles was placed at prescribed rate by the Magadh University. The bills submitted by the petitioner was examined and after physical verification, the payment has been made. The petitioner has



totally supplied the different admission papers and examination papers of Rs.6,62,40,564/-.

5. It is further submitted that the petitioner has fully cooperated with the Investigating Agency and has submitted several relevant documents during the course of investigation. A chart has also been provided indicating the bill members under which the petitioner supplied the requisitioned items, along with corresponding details of the payments received against each bill. The petitioner has no concern about the recommendation for obtaining the order which is duty of University authorities; not to the petitioner. Petitioner is made accused only because he is the staff of the firm. He has no concern about the transaction made by the firm.

6. He further submitted that there is no specific overt act against the petitioner and the documents is in custody of Opposite Party No.2, where the petitioner has submitted before the authority concerned. There is no specific evidence against the petitioner to support the prosecution case, therefore, the petitioner deserves the benefit of anticipatory bail.

7. Learned counsel for the petitioner relied upon the judgment of the Apex Court in the case of **Mahdoom Bava Vs. CBI reported in 2023 LiveLaw (SC) 218 Cr. Appeal**



No.915/2016. He further relied upon the case of **Maghavendra 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.**

8. 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 he is ready to cooperate in the trial.

9. Learned Special Public Prosecutor for the Special Vigilance Unit submitted that on the basis of case diary no.129, it is apparent that the petitioner is also involved in the present case as he has signed on the agreement on behalf of the firm in the capacity of Manager after antedating. The stamp was purchased by him in the month of May 2021 through the staff of Sandeep Dubey of XLICT. This shows that the petitioner was actively involved in this case along with other co-accused persons. Further, it is also apparent from the record that the stamp paper on which the said agreement was made between the parties are fake and forged as per the verification report of treasury.

10. Learned counsel for the S.V.U. 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 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.

11. 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.

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

13. Accordingly, this application stands dismissed.

(Anjani Kumar Sharan, J)

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