

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32191 of 2024

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

SUNIL AGARWAL SON OF S.B. AGRAWAL MANAGING DIRECTOR,
M/S POORVA GRAPHIC AND OFFSET PRINTERS, RESIDENT OF
MOHALLA - B-660 KAMLA NAGAR, P.S. - KAMLANAGAR, DISTRICT
- AGRA (UTTAR PRADESH), PIN - 282005

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
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 (Vigilance)

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
CAV

12 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. The charge sheet was submitted on 03.04.2023 and after submission of charge sheet, the cognizance has been taken up against the petitioner on 16.01.2024, whereas the petitioner name is disclosed at Serial No.22.

5. It is further submitted that there is no specific allegation



against the petitioner for making supply to the department which is about of Rs.20 crores. Petitioner is doing the job work as per fixed rate prevailing previous year in the University. Subsequently, order to supply articles was placed at prescribed rate by the Magadh University. He further submitted that after supplying of the articles through the Challan, obtained receiving of challan by the petitioner or his agent and thereafter the bill has been prepared and sent to the concerned Department.

6. 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/- and payment was made accordingly. The allegation made against the petitioner is between 2019 and 2021.

7. He further submitted that the petitioner supplied for the period 2019 to 2021 as following noted below orders passed by the University and after receiving the supply challan submitted and bill, thereafter, the bill has been paid by the Department and nobody has raised any objection:

Supplied articles for the period 2019-21	Order Number and date of Order	Date of supply through challan
Pre-Ph.D Admission Test (PAT) Examination, 2020	Letter No.: CONF/EXAM/MU dt. 17.09.2020 and MSS dt. 18.09.2020	Dt. 26.09.2020



M.Ed. Admission Entrance Test Examination, 2020	Letter No.: CONF/EXAM/MU dt17.09.2020	Dt.20.10.2020
UG(III) Examination 2020	MSS dt.18.11.2020	Dt.27.11.2020, 01.12.2020, 05.12.2020, 07.12.2020
PG (I and III) Examination 2020	MSS dt.18.11.2020	Dt. 12.12.2020, 14.12.2020, 18.12.2020
Scanning of OMR and Result processing of: (a) Pre-Ph.D. Admission Test (PAT) (b) M.Ed. Admission Entrance Test (c) PG(I and III), Examination-2020	Work being done onsite at University	Date being handed handed over physically on site

8. It is further submitted that the petitioner’s firm also supplied the article of papers for Rs. One Crore Twenty Five Lakh Ninety Three Thousand Twenty Three (Rs.1,35,93,023.00). The said supply has not been added in the FIR, therefore, the supply made is true and correct.

9. It is further submitted that the petitioner has done no wrong at all and has fully cooperated the investigation agency as he has submitted a detailed chart showing the reference of Bill Numbers and supply of requisite order accordingly against the said bill and subsequently payment has been made to the petitioner. (Annexure P/7). The petitioner has no concern with



the recommendation for obtaining the order which is duty of University authorities not to the petitioner.

10. The petitioner is doing the job works in all over India for more than 20 years and has not been blacklisted by any of the department except this case. The University has given an order for urgently supplying the articles at the prescribed rate, therefore, the petitioner has supplied urgently as per prescribed rate. 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.

11. 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**.

12. 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.



13. Learned Special Public Prosecutor for the Special Vigilance Unit submitted that from perusal of the record it appears that in C.D. No.34, the agreement was executed by the Examination Controller whereas it was to be done by the Registrar of the University. Further payment of Rs.6,62,40,564/- wrongly without following the norms. The work order was given to the petitioner's firm and had no dispatch number. It is also apparent from the statement of Bhrigunath Singh that the stamp used for agreement was also forged as per verification report of treasury. The agreement was in coloured paper, whereas there was no colour printing machine in the University. The Examination Controller has specifically stated that he was forced to sign the agreement. The agreement was signed by him in May 2021 but put the date on the same as 04.10.2020. All these facts shows that the petitioner in connivance with co-accused persons under a deep rooted criminal conspiracy caused huge undue loss to the government exchequer.

14. 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 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.

15. 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.

16. 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.

17. Accordingly, this application stands dismissed.

(Anjani Kumar Sharan, J)

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