

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31143 of 2024

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

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Jitendra Kumar s/o - Shri Kamta Prasad R/O - Dwarika Puri ,Road no 1
Hanuman nagar, Kankarbagh, Patna- 800020(the then Registrar, Magadh Uni-
versity, Bodhgaya)

... .. Petitioner/s

Versus

The State of Bihar through Spl. Vigilance Unit, Patna Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hemant Kumar

For the Opposite Party/s: Mr. Arvind Kumar

Mr. Rana Vikram Singh

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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 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 109, 120(B), 201, 420, 467, 468, 471, 409 and 506 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 University,
private firms namely, M/s Poorva Graphics & M/s XLICT Soft-
ware Pvt. Ltd. and other unknown accused persons and fraudu-



lently 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 has been made accused in the case without any evidence against him. Petitioner, who was officiating as the Registrar of the Patliputra University, was deputed to Magadh University as Registrar by the order of Chancellor of Bihar where he served in the capacity of Registrar from 23.03.2021 to 02.08.2021. The allegation against the petitioner is that he conspired with the prime accused Dr. Rajendra Prasad, the then Vice Chancellor and other accused persons to clear the fraudulent



bills. In this regard, the petitioner, being the Registrar, was bound to act in accordance with the orders of the Vice Chancellor. The Registrar, under the Bihar State University Act, 1976, has no financial powers and is obligated to act as the Secretary of the Senate/Syndicate and the Academic Council.

5. The petitioner, assumed the role of in-charge Registrar at Magadh University on 23.03.2021. In accordance with the rules, he signed the cheques with the Finance Officer and Examination Controller for payments made to the accused persons. The payments were in connection with their supply of OMR sheets with question papers, as per the agreement and work orders issued by the University.

6. It is further submitted that during the petitioner's tenure from 23.03.2021 to 02.08.2021, a total of Rs.6,62,40,564/- was paid to the M/s Poorva Graphics and Offset Printers and Rs.8,93,37,556/- was paid to M/s XLICT Software Pvt. Ltd. Thus, a total of Rs.15,55,77,700/- was paid to the suppliers in consideration of their supply work to the University as per the work orders. The entire process of tendering, agreement, work order for the supply of OMR sheets along with question papers and the supply of the same to the firms were completed prior to the petitioner's posting at Magadh University. The only remain-



ing task was to settle the bills for the supplier in accordance with the issued work orders for the completed supplies.

7. The petitioner has also signed the cheques with other officials as he had no other option but to comply with the Vice-Chancellor's direction. In the present case, the Financial Advisor has approved the payment and recommended payments to the concerned firms. The allegation of fraudulent withdrawal of Rs.15,55,77,700/- and misappropriation by the petitioner is false because it is not the case of the prosecution that payments were made without any supply of ordered materials rather the allegation is that the question papers and OMR sheets supplied by the private firms were kept unused. Therefore, the petitioner is not responsible for the orders of the supply. The petitioner was never involved in any agreement between the University and the private firms for the supply of question papers and OMR sheets.

8. It is further submitted that the further allegation of the prosecution is that the petitioner conspired with the University officials in the illegal payment of security guards amounting to Rs.9,81,824/- but the matter of fact is that the petitioner has authorized payments based on recommendations and approvals made by other officials of Magadh University. He was not the



custodian of the records in which the attendance of the security guards were maintained. The officials who are custodian of affairs of security guards have recommended for payment and accordingly the petitioner after getting clearance from Vice Chancellor, Finance Officer and Finance Advisor, the petitioner put his signature on cheques with other officials.

9. 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.

10. 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**.

11. It is further submitted that the petitioner has fully cooperation in the investigation and has not been arrested during the course of investigation. He relied upon the judgment of **Satyendra Kumar Antil Vs. CBI & Ors. in SLP No.5191 of 2021**. Fur-



ther, after investigation the S.V.U. has filed charge sheet and now S.V.U. is not required to do custodial interrogation against the petitioner as he is ready to cooperate in the trial.

12. Learned counsel for the Special Vigilance Unit opposed the prayer for bail. It is submitted that the work order to the vendors was placed without any tender and accordingly payment was done. The question papers printed by M/s/ Poorva Graphics remained useless causing loss of Rs.8,93,00,000/- to the University. It is also alleged that the petitioner made payment of Rs.9,81,824/- and Rs.18,19,147/- by way of payment of security guard but during the course of investigation it transpired that less number of guards were deployed in comparison to the agreement and civil guards were deployed in place of ex-service man. All these allegations against the petitioner shows that the petitioner was directly involved in the alleged economic offence.

13. 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.

14. 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.

15. 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.

16. Accordingly, this application stands dismissed.

(Anjani Kumar Sharan, J)

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