

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32719 of 2024

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

Latika Varma @ Latika Verma wife of Dr. Madhukar Prakash R/o-
Prateeksha, Dr. Lal Clinic Adarsh Colony Ara Ps- Nawada Dist- Bhojpur
... .. Petitioner/s

Versus

1. The State of Bihar
2. The Special Vigilance Unit, 5 Daroga Rai Path Patna through its
Superintendent of Police, Patna Bihar
... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Amit Shrivastava, Sr. Advocate Mr. Sangeet Deokuliar, Advocate
For the Opposite Party/s :	Mr. Narendra Kumar Singh, APP Mr. Rana Vikram Singh, Spl.PP (Vigilance)

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
CAV

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

2. The petitioner apprehends her 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. She 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 has served the Veer Kunwar Singh University for more than 32 years and has unblemished career, conducted her academic and administrative duties with highest standards of ethics and professionalism. It is further submitted that the petitioner is not named in the FIR. The FIR has been instituted



against the then Vice Chancellor of Magadh University and Veer Kunwar Singh University for disproportionate assets and all the allegations in the FIR are against him and other named persons and above-named firms only. Petitioner has been made accused merely on the basis of suspicion.

5. It is further submitted that the petitioner was Examination Controller of Veer Kunwar Singh University from 22.08.2019 to 06.08.2020 and at that time the Vice Chancellor of Veer Kunwar Singh University was Mr. D.P. Tiwary. She never worked with or under the co-accused Dr. Rajendra Prasad who took additional charge of Veer Kunwar Singh University on 06.08.2020 but during the course of investigation, the name of the petitioner has been arrayed in the list of accused without considering the relevant and material dates and facts. During her tenure as Examination Controller, petitioner has conducted only one examination and for this examination only the petitioner has ordered for printing of question papers, that too, after getting approval from the then Vice Chancellor Mr. D.P. Tiwary.

6. The S.V.U., Patna through Dy. S.P. submitted charge sheet on 20.03.2023 against many persons including the petitioner. In the charge sheet, the allegations against the



petitioner is levelled that co-accused Dr. Rajendra Prasad in conspiracy with the officers and staffs of the Veer Kunwar Singh University, including the petitioner, dishonestly cheated the Govt. of Bihar to the extent of Rs.1,33,56,385/- towards the printing of question papers, answer sheets without assessing the requirement and in utter violation of tender procedure and without justification of rates. The above payment was made by the order of Dr. Rajendra Prasad and out of twelve, only one purchase order was issued by the petitioner.

7. It is further submitted that the allegation against the petitioner is that the Tender quotation were not invited for printing of question paper. It is humbly submitted in this regard that as per the notified and scheduled academic calendar of the University the examination of Graduation Part II, 2019 was to be held in the month of October 2019. The petitioner moved the file to the then Vice Chancellor Mr. D.P. Tiwary for granting permission for printing of question papers and was advised for inviting quotations, the petitioner then wrote to the Vice Chancellor that since the examination is nearby, the inviting of new quotation and its process will take time and requested for postponing the exam for two months for



which the then Vice Chancellor did not agree and then after extensive discussion with all concerned it was decided that the question papers can be printed as per the rate fixed and approved by the Finance Committee in the year 2011 and to give order to XLICT Software Private Limited who has been awarded tender on 18.06.2019 and the Registrar has given the work order. The petitioner then wrote on the relevant file for permission for printing of question paper on old rate as fixed in the year 2011 by the Finance Committee and the same was approved by the then Vice Chancellor Mr. D.P. Tiwary putting his signature below the note of the petitioner and after the affirmation from the then Vice Chancellor, petitioner ordered for printing.

8. It is further submitted that the petitioner has done no wrong at all and has ordered for printing of question papers on the order and approval of then then Vice Chancellor, who has not been made accused in the present case. Petitioner has no role in selecting the vendor nor she has any role in fixing the rates, she has not even finalised or released the payments.

9. The fact that the firm XLICT Software Private Limited, Lucknow has been given work without the Tender process or the petitioner has selected the firm is totally wrong as the firm



vide Tender No.VKSU 450/RFP 2019/01 dated 29.04.2019 has participated in Tender Process and on 18.06.2019 vide order passed in Letter No.733/Estab/19 the said firm was selected for various activities. Even these material facts have been deliberately overlooked during the investigation. The petitioner is not the person who selected the Firm rather the same has been chosen on the basis of Tender Process for various works of the University which includes the examination work also, under the signature of the Registrar, Veer Kunwar Singh University.

10. It is further submitted that the co-accused Dr. Rajendra Prasad when assumed additional charge of Veer Kunwar Singh University as Vice Chancellor he entered into conspiracy with the officials of the said University, including the petitioner and fraudulently and dishonestly cheated the Government of Bihar to the extent of Rs.1,33,56,358/-. The above payment was made by the order of Dr. Rajendra Prasad and the petitioner has never worked with him. She was Examination Controller of Veer Kunwar Singh University when Mr. D.P. Tiwary was Vice Chancellor. She was relieved from the post of Examination Controller on 06.08.2020 while Dr. Rajendra Prasad took additional charge of Veer Kunwar Singh



University on 03.06.2021.

11. The petitioner has given work order for the question papers of Graduation Part II Examination, 2019 with the approval of the order of then then Vice Chancellor Mr. D.P. Tiwary on old rate of 2011 which was decided by the competent Finance Committee in the year 2011 and which is much less than the rates decided by the Committee in the year 2020. On 06.08.2020, she has resigned from the post due to health issues (COVID), the co-accused Dr. Rajendra Prasad then came to Veer Kunwar Singh University and has took additional charge of the University as Vice Chancellor on 03.06.2021, thus there is no chance of indulgence of the petitioner in any of the activities of Dr. Rajendra Prasad.

12. It is further submitted that the present case has been lodged by the SVU, against Dr. Rajendra Prasad for his possession of assets disproportionate to his known source of income through corrupt and illegal means and the investigation started accordingly. During investigation, there was recovery of huge amount, jewellery and other materials and it has been alleged in the FIR that 5 named persons has connived with him in criminal conspiracy and cheated the Government. Petitioner is not named with those persons, she has been implicated in



this present case on the basis of a work order which was issued by her in the year 2019.

13. 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.

14. 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**.

15. He further submits that during the investigation, the petitioner has given her 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.

16. Learned Special Public Prosecutor for the Special Vigilance Unit submitted that Dr. Rajendra Prasad, the then



Vice Chancellor of Magadh University was the main accused of the offence and other accused persons including the petitioner are also involved in the crime. The process of inviting quotations for printing of question paper is a necessary process which was ignored by the Vice Chancellor and other accused persons including the petitioner. It is further submitted that the work order for printing of question papers and answer sheet is the duty of the Registrar and not of the Examination Controller but this rule has not been followed. The petitioner being the examination controller gave the work order, so, she is also guilty in the alleged offence. The work order given by her was unnecessary and without assessing the requirement which creates the indulgence of the petitioner in misappropriation of Government money in conspiracy with other accused persons.

17. It is further submitted that the memo of evidence of accused Dharendra Kumar Singh has been placed on record. In para-09 of the case diary, it has been stated that Anwar Imam, Controller of Examinations, has written a comment to the Registrar and the then Controller, where the Controller of Examinations has described the Audit and Dealing Assistant C/16 and C/17 as self-explanatory. He has also added in his



note that it appears that the work order was done during the tenure of the then Controller of Examinations, i.e. the petitioner. Therefore, they can be asked for authenticity. He has also advised not to ignore the query raised by the former Vice Chancellor, Mr. D.P. Tiwary. He has mentioned in his notesheet that the work order for the work given to XLICT is not available. Apart from this, the work order of Veer Kunwar Singh University, Ara, letter no.971/Exam/19 dated 16.09.2019, signed by the petitioner and Assistant Dinanath Singh was not authorized to issue or sign the work order.

18. Further, investigation revealed that Alok Sahay has asked for verification from the then Controller of Examinations. Even after Manish Kumar Sinha's verification and approval, Alok Sahay has written to the Controller of Examinations in his comment to obtain post-reduction order in the light of audit comment where work order was not available. On which the Controller of Examination has written a comment to the Registrar that the paper printing work has been verified by the Dealing Incharge, Mr. Manish Kumar Sinha. The Controller of Examination Mr. Anwar Imam and the Audit Assistant Mr. Vijay Kumar Singh have recommended for post-reduction order.



19. 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.

20. In reply, learned counsel for the petitioner submitted that



the petitioner has no role in selecting vendor nor she has played any role in fixing the rates or released the payment. The petitioner has given only one order out of twelve and it is alleged that the petitioner has involvement in misappropriation of Rs.1,33,56,385/-. The charge sheet clearly says that payment was made by the order of Dr. Rajendra Prasad, the payment was done by the Vice Chancellor, the petitioner was not holding any post at that time nor she has worked with Dr. Rajendra Prasad. There is nothing on record to show any conspiracy. The payment was made in the month of August 2021, much after the resignation of the petitioner. The request of printing question papers was approved by the then Vice Chancellor and vendor was selected through tender process by the then Registrar and then the work order has been issued.

21. 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.

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

23. Accordingly, this application stands dismissed.

(Anjani Kumar Sharan, J)

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