

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.58130 of 2024**

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

Sushil Kumar Yadav Son of Gobardhan Singh Yadav Resident 103, K.P. Saxena Marg, Sector-20, Indra Nagar, Lucknow, Uttar Pradesh

... .. Petitioner/s

Versus

The State Of Bihar, through the Special Vigilance Unit Bihar

... .. Opposite Party/s

**Appearance :**

|                           |   |                                    |
|---------------------------|---|------------------------------------|
| For the Petitioner/s      | : | Mr. P.N. Shahi, Sr. Advocate       |
|                           |   | Mr. Shashi Bhushan Singh, Advocate |
| For the Opposite Party/s: |   | Mr. Arvind Kumar                   |
|                           |   | Mr. Rana Vikram Singh              |

**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 senior 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 not misappropriated any amount and worked in accordance with law as per the order/instruction of the authorities concerned. Petitioner submitted his joining on 25.02.2020 in the Veer Kunwar Singh University, Ara as Finance Officer and so far as issuance of tender notice and assessing the rate for printing of question papers, answer sheet is concerned, it was made much prior to the posting of the petitioner. The allegation regarding connivance of petitioner in assessment of rate of items and publication of tender notice is false and fab-



ricated because he submitted his joining much after issuance of work order dated 18.06.2019, so no case is made out against the petitioner.

5. It is further submitted that the work order was issued on 18.06.2019 and at that time Shyama Nand Jha was posted as Registrar of the Veer Kunwar Singh University, Arah, so the petitioner has no role in the alleged incident because the process was completed about one year prior to assuming the post of Finance Officer by the petitioner. At the time of issuance of tender and assessing the rate of items Dr. D.P. Tiwari was Vice-Chancellor and Shyama Nand Jha was Registrar of the University but neither of them has been made accused. Moreover, part payment was made by the then Vice-Chancellor Dr. D.P. Tiwari who is claiming to be the person who made objection. The petitioner has very limited role, as in the present case tender and work order was issued in the year 2019 and as per work order, the printing agent supplied the materials to the University so it was duty of the Examination Controller, Account Section to examine the bill by the Examination Department, as to whether the bill submitted by the agency is genuine or not. The Account Section of the Examination Department has properly verified the bill, and the petitioner has forwarded the same to the Registrar and dis-



charged his duty.

6. It is further submitted that the petitioner has been made a scape goat merely on the reason that he was working as Finance Officer when payment was made to the printing agency after supply of materials as per work order. It is not the case that payment made to the printing agency was beyond the rate mentioned in the work order, it is not the case that any misappropriation has made in verification of bill rather the specific case is that due to wrong assessment of rate and without following the procedure of tender a particular agency was given work order. The Investigating Agency i.e. the Vigilance, without verifying the facts did not make the then Vice Chancellor and the Registrar an accused in the present case.

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 charge sheet and now SVU is not required to do custodial interrogation against the petitioner as he is ready to cooperate in the trial.

9. Learned counsel for the Special Vigilance Unit opposed the prayer for bail by submitting that the petitioner was the then Finance Officer of Veer Kunwar Singh University, Ara and reference of same could be made in CD No.193, para-5 wherein it is mentioned that on the basis of comments of Manish Kumar Sinha in the note sheet regarding verification of bills submitted by the XLICT, the petitioner being Finance Officer in connivance with Anwar Imam, Examination Controller, Assistant Manish Kumar Sinha, Dharendra Kumar Singh and Dr. Rajendra Prasad issued orders for payment of Rs.1,33,56,385/- to M/s. XLICT and this amount was fraudulently withdrawn. This shows that the petitioner was also involved in the alleged scam and cognizance of offence has also been taken against the petitioner in this case.

10. 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 anticipa-*



*tory 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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