

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74836 of 2024

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

Manish Kumar Sinha Son of Late Hirday Kumar Sinha R/o Flat 201, Pyara
Gharana Apartment, Chandauti More, P.S. - Chandauti, District - Gaya

... .. Petitioner/s

Versus

1. The Special Vigilance Unit, Daroga Rai Path, Patna Bihar
2. The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ritesh Kumar

For the Opposite Party/s : Mr.Arvind Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

6 13-02-2025 1. Heard Mr. Ritesh Kumar, learned counsel for the
petitioner and Mr. Rana Vikram Singh, learned Spl. Public
Prosecutor for the Special Vigilance Unit.

2. The petitioner apprehends his arrest in connection with
SUV (Special Vigilance Unit) P.S. Case No. 02 of 2021
(Special Case No. 48 of 2021) instituted on 16.11.2021 under
Section 120(B), 420, 409 of the I.P.C., Section 12 read with 13
(2) & 13(1)(b) of the Prevention of Corruption Act, 1988.

3. As per the first information report Dr. Rajendra Prasad,
while working as the Vice Chancellor, Magadh University, Bodh
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 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. Mr. Ritesh Kumar, learned counsel for the petitioner submits that the petitioner being the Lower Division Clerk was only required to endorse on the file. Even the investigating agency has not levelled any allegation against the petitioner except as a conspirator. The petitioner being a L.D.C. has a limited role to play. He is not capable of initiating note or giving noting in file. There is no allegation that the petitioner either played role in printing of question papers, answer sheets without asserting the requirement thereof nor there is allegation of his involvement in violation of tender process without justification



of rates. He further submits that during investigation the I.O. interrogated the petitioner and he co-operated with the investigation and after investigation the petitioner was not arrested.

5. Mr. Rana Vikram Singh, learned Spl. Public Prosecutor for the Special Vigilance Unit submits 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. He submits that the petitioner was incharge of examining and verifying the bills submitted for printing work. He was also responsible to check and verify the bills submitted by the XLICT Pvt. Ltd. which performed all the printing works and other things of Graduation Part-I & II Examination of 2019, B.Ed. Examination of 2019, MCA, BCA, PG, LLB and other examinations but due to ulterior motive and mal-intention the petitioner did not perform his duty properly and wrongly verified all the bills of the said agency in collusion and conspiracy of other accused persons. He further submitted that the petitioner recommended for payment of Rs. 1,33,56,385/- to XLICT without having any work order. The agency had submitted the bill of Rs. 1,08,85,680/- against which the petitioner recommended for payment of



Rs. 1,33,56,385/- that too without having any work order towards printing of question paper, answer sheet for B.A. Part-I and other examinations. The payment to the agency was initiated at the level of the petitioner. He next submits that charge sheet has been submitted against the petitioner under Section 13(2), 13(1)(b) read with Section 12 of the P.C. Act and Section 109, 120(B), 201, 409, 420, 467, 468, 471 and 506 of the I.P.C. The learned Vigilance Court has issued summon against the petitioner and other accused persons after taking cognizance of the offence.

6. In reply, learned counsel for the petitioner submits that the petitioner made the recommendation under pressure of the Vice Chancellor and the co-accused / Dr. Rajendra Prasad.

7. I have heard learned counsel for the parties and gone through the materials available on record. It appears that the petitioner was Dealing Assistant in the Examination Department of the University and during course of investigation it has come to light that the petitioner recommended for payment of huge amount of Rs. 1,33,56,385/- against the bill submitted by the agency for printing of question paper and answer sheet (OMR sheet) etc. that too without having requisites number of work order. The petitioner also gave a note that XLICT agency



performed work for B.A. Part-I, Part-II Examination 2019 and 01 year B.Ed and IInd year B.Ed. Examination 2019, MCA, BCA, PG, Pre PhD, LLB and other examination facilitating withdrawal and plundering of government money. There is prima facie evidence against the petitioner that he was indulged in defalcation of Government money by adopting the corrupt practices in connivance with other accused persons. Considering the above, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected.

(Anil Kumar Sinha, J)

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