

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83228 of 2024

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

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Dinanath Singh Son of Jag Narayan Singh R/O Purani Bijli Colony, P.S.- Jehanabad, District- Jehanabad and was posted as Assistant in University Head Quarter, Veer Kunwar Singh University, Ara

... .. Petitioner/s

Versus

The State of Bihar, through the Special Vigilance Unit, Patna Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Singh

For the Opposite Party/s: Mr. Rana Vikram Singh

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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 120(B), 420, 409 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 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. It is submitted that he is not named in the FIR, during the course of investigation it has come out that one Latika Verma, the then examination controller issued a work order on 16.09.2019 to M/S XLICT software Pvt. Ltd. without signature of the Registrar on the said letter, there is signature of the petitioner on the said letter. It is further submitted that the examination controller has put signature on work order on 16.09.2021 and on the said letter signature of the petitioner is shown on 16.12.2019. The allegation levelled against the petitioner is false because signature of the Assistant has been made after three months of issuance of work order. The peti-



tioner was working as Assistant and to save skin the examination controller adhered the signature of the petitioner on the work order. The petitioner was not posted in examination department on 16.12.2019.

5. It is further submitted that the petitioner has no role either in tender, assessing rate and even payment and in signature on work order, so far the work order is concerned it was signed by Examination Controller herself and to save her skin, a scanned signature of the petitioner was pasted there.

6. 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**.

7. 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.

8. Learned Spl.PP for the Vigilance Special Unit opposed



the prayer for bail. It is further submitted that the memo of evidence of accused Dhirendra 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, Ms. Latika Varma. 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 then Controller of Examination and petitioner, Dinanath Singh was not authorized to issue or sign the work order.

9. 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.

10. 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.

11. 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.

12. Accordingly, this application stands dismissed.

(Anjani Kumar Sharan, J)

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