

GAHC040003572023



**THE GAUHATI HIGH COURT**  
**(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)**  
**(ITANAGAR BENCH)**

**Case No. : BA 31/2023**

1:Olik Jomang  
D/o Shri Talung,  
Presently posted as Fishery Officer, Tezu, Lohit District, Arunachal Pradesh.

VERSUS

1:The Central Bureau of Investigation  
Through its Public Prosecutor (SC)

**Advocate for the Petitioner** : Dicky Panging, D Tamuk, M Doji, D Lano, K Ado

**Advocate for the Respondent** : Marto Kato, SC (CBI)

**BEFORE**  
**HONBLE MR. JUSTICE NANI TAGIA**

**ORDER**

**Date : 04-04-2023**

Heard Mr. Dicky Panging, learned counsel for the petitioner. Also heard Mr. M. Kato, learned Standing counsel, for the Central Bureau of Investigation (CBI).

2. This is an application, filed under Section 439 of the Code of Criminal Procedure, 1973, seeking grant of bail to the accused, namely, Sri Talung Jomang, arrested in connection with SIC(Vig.) Case No. 12/2022(re-registered as CBI Case No. RCO172022A0009/2022) registered under Sections

120(B)/406/409/420 IPC, read with Sections 7/8/13(2) of the Prevention of Corruption Act, 1988, on 30.09.2022.

3. The petitioner was arrested on 30.09.2022 in connection with the aforesaid Central Bureau of Investigation (CBI) case and has now been Charge-sheeted under the aforesaid section on 26.10.2022.

4. The contention of the petitioner while seeking bail for the accused in connection with the aforesaid Central Bureau of Investigation (CBI) case is that the accused has been in custody for about 188 days and the case has now been charge-sheeted and therefore, there is no likelihood of the accused tampering with the evidence on record if the accused is released on bail.

5. Opposing the bail application, the Central Bureau of Investigation (CBI) has filed an objection. In paragraph No. 10 of the objection, it has been stated that the petitioner has not mentioned about the evidence collected against the accused. During the search conducted, the photocopy of the manuscripts of the question papers were recovered from the house of Binam Jomang's fiancée. Binam Jomang is stated to be the daughter of the accused. The investigation revealed that the accused Talung Jomang got question papers of Assistant Engineer (Civil) examination, 2022, for his daughter Binam Jomang by paying Rs. 55 Lakhs to another accused Taket Jerang. Investigation established that the accused Talung Jomang had taken various amounts of loan from witnesses just before the Assistant Engineer(Civil) Examination, 2022. Apart from this, the accused Talung Jomang availed loan of Rs. 20 Lakhs from the SBI during the same period for paying Rs. 55 Lakhs to the accused Taket Jerang. The accused Talung Jomang conspired with Sri Taket Jerang, the then Deputy Controller of Examination of the Arunachal Pradesh Public Service Commission(APPSC) to get question paper of Assistant Engineer(Civil) Examination, 2022, for his daughter

Binam Jomang. The accused Taket Jerang was given sealed envelope having manuscripts of question papers of Assistant Engineer(Civil) Examination, 2022, for giving the same to the authorized representative of the Printing Press. During this process, the accused Taket Jerang opened the sealed envelope, took out the manuscripts of the question papers of Assistant Engineer(Civil) Examination, 2022, and made the photo copy of the same. Thereafter, he kept the manuscript again in the envelope and re-sealed it. In furtherance of the conspiracy, the accused Taket Jerang handed over the copy of the manuscripts of the Assistant Engineer(Civil) Examination, 2022, to the accused Talung Jomang.

6. In paragraph No. 11 of the objection filed by the Central Bureau of Investigation(CBI), it has been further stated that the accused Talung Jomang acted as an agent and in lieu of illegal money given to accused Taket Jerang, the then Deputy Controller of Examination of the Arunachal Pradesh Public Service Commission(APPSC), had taken the copy of the manuscripts of the question papers of Assistant Engineer(Civil) Examination, 2022, of the Arunachal Pradesh Public Service Commission(APPSC), from him and he then gave the same to his daughter Ms. Binam Jomang, a candidate who used the manuscripts of the question papers for attempting the examination, in question.

7. The accused Sri Taket Jerang, who was the then Deputy Controller of Examination of the Arunachal Pradesh Public Service Commission(APPSC), is stated to be still in jail.

8. Upon perusal of the charge-sheet annexed by the petitioner in the bail application, it is noticed that photocopy of the manuscript of the question papers of the Assistant Engineer(Civil) Examination, 2022, has been recovered from the house of the husband of the daughter of accused. Witnesses Talo

Panor, and Ajit Lakin, who were examined, had stated that Rs. 5 Lakhs from Talo Panor and Rs. 10 Lakhs from Ajit Lakin, was taken on loan by the accused Sri Talong Jomang. During the same time, the accused Talong Jamong had taken a loan of Rs. 20 Lakhs for giving it to accused Taket Jerang.

9. The accused Sri Taket Jerang, the then Deputy Controller of Examination of the Arunachal Pradesh Public Service Commission (APPSC), is stated to be the main accused in the instant case, who is stated to be still in jail.

10. Upon perusal of the objection filed by the Central Bureau of Investigation (CBI), as well as on perusal of the charge-sheet annexed by the petitioner, it *prima facie* appears that there are evidence to connect the accused with the offence for which, the accused has been charge-sheeted. That apart, though the petitioner may have been in the custody for about 188 days, the nature and gravity of the offence for which the accused has been charged, is undoubtedly, of a serious nature, for which, I am of the view that the accused Talong Jomang, at this stage, is not entitled for bail in connection with SIC(Vig.) Case No. 12/2022(re-registered as CBI Case No. RCO172022A0009/2022). Accordingly, the bail application filed by the petitioner for release of the accused, herein, is rejected at this stage after having taken note of the nature of evidence collected by the Investigating agency against the accused and also having regard to the nature and gravity of the offence for which the accused has been charge-sheeted.

11. Resultantly, the bail application stands rejected being devoid of merit.

**JUDGE**

**Comparing Assistant**