

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32153 of 2014

Arising Out of PS.Case No. -11 Year- 2012 Thana -C.B.I CASE District- PATNA

- =====
1. Ashutosh Chandra Jha S/o Late Mani Prasad Jha, Assistant (Retd.)
Exam Section - B (Dealing Assistant of MBBS Exam, Tilka Manjhi
Bhagalpur University, Bhagalpur R/o Kamal Nagar Colony,Mirjanhat, P.S.
Mirjanhat, District - Bhagalpur
2. Chandan Kumar S/o Late Narsingh Thakur, the then Assistant, Exam
Section, Tilka Manjhi Bhagalpur University, Bhagalpur R/o Mohalla -
Sahebganj, P.O. Champa Nagar, P.S. Vishwavidalaya (Kotwali), Town
AND Distt. - Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.43981 of 2014

Arising Out of PS.Case No. -11 Year- 2012 Thana -C.B.I CASE District- PATNA

- =====
1. Md. Taufique Ansari @ Taufik Ansari @ Taufique Ansari Son of Late
Md. Nazir Bux resident of Mohalla- Bhikhanpur, Gomti No.- 03, Post
Office- Bhagalpur, Police Station- Ishakchak, District- Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar, Through The Vigilance

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.32153 of 2014)

For the Petitioner/s : Mr. Avanindra Kumar Jha, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin (APP)

(In Cr.Misc. No.43981 of 2014)

For the Petitioner/s : Mr. Syed Masleh-Uddin Ashraf, Advocate

For the Opposite Party/s : Mrs. Anita Kumari(APP)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

5 03-04-2015 Cr.Misc.No. 32153/2014 wherein Ashutosh Chandra

Jha and Chandan Kumar are the petitioners while in

Cr.Misc.No.43981/2014 wherein Md. Taufique Ansari @ Taufik

Ansari @ Taufique Ansari happens to be the petitioner, commonly

originate out of Vigilance Case No. 11/2012 leading to Special

Case No. 05/2012, have been heard together and are being

disposed of by a common order.

During course of examination of MBBS Course for the academic year 1995-2000 & 1996-2001, some sort of irregularities were perceived in the background of use of unfair means in mass scale and for that, a committee was constituted who inquired into the matter and submitted the report wherein petitioners have been identified to be guilty and on account thereof, on a written report the instant case has been registered.

From the written report coupled with annexures as well as from perusal of the case diary, it is apparent that the persons, who got illegal benefit, neither have been traced nor arrayed as accused. In likewise manner, though, Md. Kasim has been identified who in spite of being Daftari was entrusted with supplying the copies to the Centre Superintendent as well as Md. Kasim was the person who was also entrusted with passing over the codes affixed over the copies to different tables. Furthermore, petitioner, Chandan Kumar, Clerk was the in-charge of keeping the copies while Md. Taufique as well as Ashutosh Chandra Jha have been identified to be responsible for keeping the copies in sealed cover. During course of enquiry as well as investigation, it is apparent that prosecution had failed to expose the misdeeds as alleged in replacing the copies at their end and in the absence thereof, it has been submitted on behalf of petitioners that the aforesaid eventualities even could be perceived at the level of

examiner while examining the copy. Furthermore, it is apparent that neither the subject relating to which instant case has been registered nor the examiner who had examined the copy been properly identified.

At the present stage, learned counsel for the Vigilance fairly concedes that there happens to be no specific allegation coming out from the narration of the written report as well as during course of investigation.

Consequent thereupon, petitioners, namely, Ashutosh Chandra Jha, Chandan Kumar and Md. Taufique Ansari @ Taufik Ansari @ Taufique Ansari, in the event of their arrest/surrender within four weeks, are directed to be released on bail on furnishing bail bond of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of Special Judge, Vigilance-II, Patna in connection with Vigilance Case No. 11/2012 leading to Special Case No. 05/2012, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

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(Aditya Kumar Trivedi, J)

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