

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29968 of 2016

Arising Out of PS.Case No. -23 Year- 2012 Thana -ECONOMIC OFFENCES, BIHAR District-
PATNA

- =====
1. Shahjanand Kumar son of Raja Ram Singh, resident of village-
Mahespalasi, P.S. Upahara, District- Aurangabad.
 2. Chitranjan Pandey son of Bishwanath Pandey, resident of village-
Pipary, P.S. Natwar, District- Rohtas.
 3. Shyam Bihari Prasad, son of Dudh Nath Ram, resident of village-
Ropahatha, P.s. Nokha, District- Rohtas.
 4. Bashisth Kumar @ Vashishtha Kumar son of Phagu Ram, resident of
village- Ropahatha, P.s. Nokha, District- Rohtas.
 5. Upendra Kumar Dikshit, son of Kariman Singh Yadav, resident of
village- Tilauti, P.s. Haspura, District- Aurangabad.
 6. Vijay Kumar son of late Sudarshan Singh Yadav, resident of village-
Mohalla- Gaurakshani, Sasaram, P.S. Sasram, District- Rohtas.

.... Petitioners

Versus

The State of Bihar through Economic Offence Unit, Bihar, Patna.

.... Opposite Party

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Appearance:

For the Petitioners : Mr. Raj Nandan Prasad
For the Opposite Party : Mr. V.N.P Sinha(Eou)Unit

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 12-08-2016 Heard learned counsel for the petitioners and senior

learned counsel Mr. Vishwanath Prasad Sinha for Economic

Offence Unit, Bihar.

The petitioners filed this petition under Section 482
of the Code of Criminal Procedure for quashing the order dated
03.05.2006 by which the learned Sub-Divisional Judicial
Magistrate, Patna took cognizance under Sections 420, 468, 473
and Section 120(B) of the Indian Penal Code against the

petitioners and others.

It is submitted that the petitioners are not named in the F.I.R and the name of the petitioners figured during the course of investigation. It is submitted that except OMR sheets, certificate and marks sheets, there is no material against the petitioners and therefore, the order taking cognizance is bad.

On the other hand, senior learned counsel Mr. Vishwanath Prasad Sinha for Economic Offence Unit submitted that the present F.I.R. was lodged in which it transpired that a gang is operating who had broken the strong room of Karmchari Chayan Aayog situated at Veterinary College Campus, Sheikhpura, Patna and interpolations were made in the OMR sheets of the petitioners and others. During the course of investigation, a raid was conducted in a flat from where many candidates were arrested and also carbon copy of the OMR sheets, mark sheets and certificates of the petitioners and others were recovered from that flat. It transpired that the petitioners in collusion of other co-accused persons and in charge of the strong room had made interpolation in the O.M.R. sheets of the Examination after breaking the strong room.

From perusal of the record, it appears that the petitioners were examinee of Junior Engineers and they in

collusion of others submitted their mark sheets and OMR sheets to the members of the Karmchari Chayan Aayog. When this scandal was unearthed, the raid was conducted in the flat from where mark sheets, certificates and OMR sheets of the petitioners and others were recovered from that flat. It transpired that during the course of investigation, that even Joint Secretary, Deputy Secretary and Incharge of the Strong Room were in collusion of the candidates and they all made interpolation in the OMR sheets to give benefits to the candidates.

Considering the facts aforesaid, I do not find any illegality in taking cognizance, accordingly the application is dismissed.

(Prabhat Kumar Jha, J.)

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