

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48101 of 2016

Arising Out of PS.Case No. -270 Year- 2016 Thana -KOTWALI District- PATNA

=====

1. Sanjeev Kumar Suman, Son of Arun Kumar Yadav, Resident of Village- Husaina, P.S.- Barari, District- Katihar at present residing at Mohalla- Chitragupta Nagar, Mansingh Path, P.S.- Patrakar Nagar, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the State Vigilance Department.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar, Advocate
For the Opposite Party/s : Mr. Ramakant Sharma(L.O.,I/C Vig.)
For the State : Mr. Ajay Mishra, APP

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

12 15-05-2017

Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

Petitioner is languishing in custody in connection with Vigilance Case No.32 of 2016, arising out of Kotwali P.S. Case No. 270 of 2016, for the offences punishable under Sections 420/465/467/468/471/120B of the Indian Penal Code and Sections 8/9/13(1)(c)(d)(e) of the Prevention of Corruption Act, 1988.

The case is known as topper scam case. The petitioner was an assistant teacher at the Boys High School, Rajendra Nagar, Patna, where evaluation centre of Bishundeo Rai College, Kiratpur, Vaishali, was sifted by the superior authorities of Bihar School Examination Board from the



College/School at Bhabhua. The students of Bishundeo Rai College had topped the list and allegation against the petitioner is that he had managed in collusion with other co-accused, who was Chairman of Bihar School Examination Board, and Principal of Bishundeo Rai College, Kiratpur, Vaishali, to allow non-deserving candidates to top the list. Further allegation is that the petitioner acted as middleman and was actively involved in interpolation in the marks awarded to the candidates in their answer sheets.

Submission of the petitioner is that the petitioner is in custody since 10.06.2016 and only material against the petitioner in para-41 of the case-diary is that he had evaluated the mathematics answer sheet of Shalini Rai and the difference was that in the answer sheet marks awarded was 51 whereas the marks sheet showed the figure as 48. Contention is that no other answer sheet was evaluated by the petitioner.

Learned counsel for the State-Opposite Party opposed the prayer on the ground that the petitioner was directly involved in getting the answer sheets of the toppers evaluated at the dictate of co-accused Lalkeshwar Prasad Singh @ Lalkeshwar Prasad, the Chairman of Bihar School Examination Board, which would be evident from the reply of the petitioner to the questionnaire prepared by the investigation wing. He next submits



that co-accused Visheshwar Prasad Yadav had similar allegation to that of the petitioner and he has been refused bail by a coordinate Bench of this Court in Cr. Misc. No.45622 of 2016 on 08.12.2016. Next contention is that co-accused Bachcha Rai was granted bail by this Court. However, the same has been cancelled by the Hon'ble Apex Court in Cr. Appeal No.767 of 2017, arising out of Special Leave Petition (Criminal) No. 1762 of 2017, with observation that socio-economic offences constitute a class apart and need to be visited with a different approach in the matter of bail. Usually socio-economic offence has deep rooted conspiracies affecting the moral fiber of the society and causing irreparable harm, needs to be considered seriously.

Considering the entire facts and circumstances and nature of allegation, I am not inclined to enlarge the petitioner on bail. The prayer for bail of the petitioner is refused.

(Birendra Kumar, J)

Mkr./-

U		T	
---	--	---	--

