

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49149 of 2018

Arising Out of PS.Case No. -44 Year- 2017 Thana -AGAMKUAN District- PATNA

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1. Gauri Shankar Singh, Son of Chandrika Prasad Singh, Resident of Mohalla- Rajeev Nagar, Road No.16, House No.-1, P.S.- Rajeev Nagar, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Vigilance.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Chandra

For the Opposite Party/s : Mr. Ajay Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

2 19-09-2018 Heard both sides.

The petitioner seeks bail in Special case No. 11 of 2017 arising out of Agamkuan P.S. 44 of 2017 registered under Section 419, 420, 467, 468, 471, 34 of the IPC and under Section 66 (D) of the I.T. Act and under Section 7, 8, 9, 13 (i) (a) (d) (e) read with Section 13(2) of the Prevention of Corruption Act.

The learned counsel for the petitioner submits that prayer of petitioner for bail was earlier rejected by this court vide order dated 06.12.2017 passed in Cr. Misc. No. 35081 of 2017. The petitioner is not named in the FIR. The name of petitioner figured in the case during the course of investigation on the basis of confessional statement of co-accused persons but no direct evidence has been collected and no incriminating material has come against the petitioner but the petitioner has been implicated and is rotting in jail on the accusation of having participated in the alleged question paper leak scam. The petitioner was a teacher in



A.V.N. school but he was also a candidate of examination to be held by Bihar Staff Selection Commission (BSSC) in the year 2017. The examination centre of the petitioner was at Bettiah. The petitioner left Patna on 04.02.2017 and returned to Patna on 08.02.2017 after appearing at the examination held on 05.02.2017. On 08.02.2017 the Special Task Force, constituted to investigate the scam, apprehended the petitioner and seized Admit Card and mobile set of the petitioner being SIM No. 9507793165. The I.O. kept the petitioner under illegal detention for more than 72 hours and also took signature of the petitioner on many blank papers. Charge sheet against the petitioner was submitted on 07.05.2017. From perusal of police papers, it appears that two fold accusations are found against the petitioner. It is alleged that petitioner being teacher of A.V.N. school knew the facts that question papers for the examination to be held on 29.01.2017 was photographed by Ram Sumer Singh, Ram Ashish Singh, Atal Bihari and others and the question papers and answer sheets were circulated among the candidates through electronic devices but the petitioner did not disclose this fact after taking money from Ram Ashish Singh and others. The petitioner was in regular touch with Ram Sumer Singh, Ram Ashish Singh and Mukesh on their mobile Nos. It is submitted that petitioner being a teacher of A.V.N. school was made centre superintendent only on paper for the examination to be held on 29.01.2017 whereas Ram Ashish Singh and Ram Sumer Singh were head of all the proceedings for taking examination at the centre by BSSC and the petitioner did not do any wrong acts. The petitioner had no idea about the leakage of question paper of the examination scheduled to be held on 29.01.2017. The normal procedure for opening of question paper



at the examination centre was that the box containing question paper was brought to the centre by the Zonal Magistrate at 10.15 AM and such box was opened at 10. 30 AM. There is absolutely no material against the petitioner and the petitioner is rotting in jail for last more than one and half years.

Mr. Ajay Mishra, the learned counsel for the S.I.T, while opposing the prayer for bail, submits that petitioner was a teacher in A.V.N. school. The prayer of petitioner for bail was earlier rejected by this court vide order dated 06.12.2017 along with Director, Principal and other staff of the A.V.N. school. On the same day prayer for bail of Chairman of BSSC and many others was rejected as they were found actively involved in question paper leak scam of the examination to be held by BSSC for appointment on different posts in Government of Bihar. It is submitted that first source of leakage of question paper and transmission of question papers through electronic media was Director, Principal and other staff of A.V.N. school. The director of AVN school and other staff including the petitioner, Ram Ashish Singh, Ram Sumer Singh, Atal Bihari were found actively involved as they took out the photographs of the question papers before schedule of the examination and transmitted the same to the candidates of their choice from whom they realized hefty amounts on the pretext of providing question papers and answer sheets so that they may get the job in the different offices of Government of Bihar. It is further submitted that detailed order has already been passed in the case of petitioner while rejecting his prayer for bail on 06.12.2017 in Cr. Misc. No. 35081 of 2017. The mobile of the petitioner was also seized and sent to F.S.L. and it transpired that petitioner was in regular touch with the Director, Principal and



other staff of AVN School as well as other members of gang and they transmitted the question papers and answer sheets through electronic devices to different candidates. It is further submitted that prayer for bail of other accused persons were twice rejected by this court with a direction to the trial court to conclude the trial within six months holding the trial on day to day basis. The prayer for bail of Sudhir Kumar, Chairman of BSSC has already been rejected by the Apex Court. Thus, petitioner does not deserve bail.

Perused the records.

The petitioner is, of course, not named in the FIR. On secret information Bipin, Nawnit and Pawan Kumar were arrested in a room from where they were operating with the electronic devices for leakage of question papers and transmitting the same through electronic devices to the candidates who had paid hefty amount for getting job. They disclosed the name of other accused persons. During the course of investigation it also transpired that Director, Principal and teachers of AVN school where the examination centre is fixed are also involved. The petitioner was arrested along with other staff of the AVN school, namely, Ram Sumer Singh, Ram Ashish Singh and others and their mobile and other electronic gazette were seized and it has come that they were in regular touch with each other and they transmitted the question papers and answer sheets through electronic devices to different candidates before the schedule of examination. On the facts it appears that entire procedure of examination of BSSC was hijacked by the petitioner and other accused persons and they obtained the question papers before the schedule of the examination with the help of staff of BSSC and also took photographs of the question papers from the AVN school and



transmitted the same to different candidates before the schedule of examination. There are ample materials to show the involvement of the petitioner in competitive examination scam. Such scam certainly deprived the meritorious student of Bihar from getting job.

Considering the gravity of allegation and the material available on record, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

The trial court is directed to hold the trial on day to day basis conclude the same within six months from the date of receipt of a copy of this order.

(Prabhat Kumar Jha, J)

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