

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37018 of 2017

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

Kaushal Singh @ Kaushal Kishore, son of Rabindra Kumar, resident of
Village Paimarghat, P.S. Punpun, District Patna

... .. Petitioner/s

Versus

1. That State of Bihar
2. The vigilance through its Director, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate
		Mr. Vijay Anand, Advocate
For the Opposite Party/s	:	Mr. Ajay Mishra, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
C.A.V. ORDER

Date : 18-04-2018

Heard learned counsel for the petitioner and learned
counsel appearing for the State of Bihar.

Petitioner is languishing in judicial custody since
09.02.2017 in connection with Special Case No. 11 of 2017,
arising out of Agamkuan P.S. Case No. 44 of 2017 for offence
alleged under Sections 419, 420, 467, 468, 120-B, 471/34 of the
Indian Penal Code, Section 66(D) of the I.T. Act and Sections
7/8/9/13(1)(c)(d)(e) read with 13(2) of the P.C. Act, 1988.

The prosecution case, as lodged by the informant police
personnel, is that on secret information that in the house of one
Dinanath Singh situated at Mohalla Kanti Factory Road, Mahatma
Gandhi Nagar on the first floor Pawan Kumar and Atul Ranjan
Sinha are involved in circulating question papers and answer



sheets for cheating in the examination being conducted by the Bihar Staff Selection Commission (hereinafter referred to as the BSSC) for appointment on different posts in different departments in the State of Bihar, the informant along with other police officials raided the house occupied by Pawan Kumar and Atul Ranjan Sinha on rent, three persons seeing the police started fleeing but were apprehended. The apprehended accused persons disclosed their names as Pawan Kumar, Vipin Kumar and Navnit Kumar. On interrogation, the apprehended co-accused revealed the names of co-accused Atul Ranjan Sinha, Gorelal @ Kausik, Bhola @ Nitesh who were involved along with them in leaking the question and answer-sheets of the examination held by the BSSC for recruitment on different Government posts. They revealed that they used to take Rs. 6 lakhs from each candidates and also disclosed their modus operandi of transmitting answers to the examinees by using Whatsapp, Bluetooth and other electronic devices. From the said room Admit cards, battery of Bluetooth, printers, laptop, original marksheets of candidates, who had approached the accused persons and other articles, were recovered. Accordingly, the Investigating Agency was set in motion and investigation conducted by the SIT.



It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the First Information Report and has been falsely implicated in the aforesaid case. He submits that petitioner was an examinee of the examination held by BSSC and has a brilliant academic career as he is doing Ph.D from A.N. College, Patna. It is only on the confessional statement of co-accused Pawan Kumar that he was helping him in leaking the question papers of the BSSC, he has been made accused in the present case. His own confessional statement was taken under coercion, charge-sheet has already been submitted and he is languishing in judicial custody for more than a year and considering his bright future a sympathetic consideration be given. He further submits that no benefit has been derived by the petitioner as the said leakage was detected just before or on the date of the first phase of examination. It is submitted that in the examination to be held on 29.01.2017 out of 150 questions he had answered only 100 and correct answers of which were only 60, which in no way could have indicated that the petitioner was part of the leakage of question papers and answer-sheets of the said BSSC examination. It is further submitted that the statement under Section 164 Cr.P.C. of co-accused Akhileshwar, Bijendra Kumar,



Prakash Kumar, Suraj Kumar, Md. Sikandar, Rahul Kishore, Harendra Prasad do not show any conspiracy of the petitioner.

However, learned counsel appearing for the State strenuously opposes the prayer for bail stating therein that the petitioner was also part of the conspiracy and the case involves a number of accused persons and complex *modus operandi* and the petitioner is alleged to be a part of so called BSSC scam. He submits that 31 Admit cards were found in the room of the petitioner and the petitioner in his confessional statement has admitted that he was in touch with co-accused Bhola @ Nitesh, Pawan, Vipin, Navnit, Atul Ranjan Sinha, Gorelal @ Kaushik and also co-accused Ramesh who was in regular touch with co-accused Parmeshwar Ram, Secretary, BSSC, as is evident from paragraph 20 of the supplementary case diary. He further submits that even Bluetooth, mobile phones, chips were recovered from the house of the petitioner and from the CDR of the mobile of the petitioner he was found to be in contact with co-accused Avinash and Ramesh and from the CDR of the mobile of the petitioner he was found to be in constant touch with other co-accused, namely, Pawan Kumar, Bhola @ Nitesh, Atul Ranjan Sinha before and on different dates of examination.



From perusal of the case diary, CDR of the mobile of the petitioner and Whatsapp message it appears that the petitioner was in contact with other accused persons and was in regular touch with each other before the commencement of the examination, hence, the active participation of the petitioner has been noticed during course of investigation, which is available in the case diary.

Considering the facts and circumstances and the materials on record and seriousness of the allegations, I am not inclined to grant privilege of bail to the petitioner in connection with Special Case No. 11 of 2017, arising out of Agamkuan P.S. Case No. 44 of 2017, pending in the court of learned Special Judge, Vigilance-1st, Patna.

Application is, accordingly, rejected.

(Nilu Agrawal, J)

Rajesh/-

AFR/NAFR	NAFR
CAV DATE	11.04.2018
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