

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47543 of 2017

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

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Ramashish Singh Yadav @ Ramashish Singh

.... Petitioner/s

Versus

The State of Bihar & Anr.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Mouar

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

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

11 19-04-2018

Heard both sides.

The petitioner seeks bail in Special Case No. 11 of 2017, arising out of Agamkuan P.S. case No 44 of 2017, registered under Section 419, 420, 467, 468, 471, 34 of the Indian Penal Code. Later on Section 66 (D) of the Information Technology Act and Section 7, 8, 9, 13 (1) (a) (e) read with Section 13 (2) of the Prevention of Corruption Act have been added.

The informant, a police officer of Agamkuan P.S. got information that Pawan Kumar, Atul Ranjan Sinha, who have been residing in the house of Late Pawan Kumar Singh situated in Mahatma Gandhi Nagar, Kanti Factory Road, Patna were circulating question papers and answer sheets of the examination to be held by Bihar State Staff Selection Commission (hereinafter referred to as the Commission) for appointment on different posts



in different departments of Government of Bihar he proceeded to raid the room occupied by Pawan Kumar and Atul Ranjan Sinha. Pawan Kumar, Bipin Kumar and Nawnit Kumar were found inside the room and they were apprehended. The apprehended accused disclosed the name of Atul Ranjan Sinha, Gorelal @ Kaushik, Bhola @ Nitesh and others who are involved in the racket in leaking the question papers and transmitting the answers to examinees, after taking heavy amount from them. From the aforesaid room admit cards of different candidates, battery of blue tooth, printer, laptop, original marks sheet and other articles were recovered.

The learned counsel for the petitioner submits that petitioner is not named in the FIR. There is no tangible evidence to show the involvement of the petitioner. For the first time the name of petitioner figured in this case in paragraph 99 of the case diary as owner of A.V.N. public school where there was one of the centers of examination of the Commission. The wife of the petitioner is principal of the A.V.N. school. The petitioner is appointed as shorthand-typist in Science and Technology Department, Patna vide memo No. 1621 dated 17.06.1989. The petitioner is not at all involved in the functioning of the A.V.N. school. It is submitted that some staff of the school stated that



petitioner is director of the school as on the instruction of the petitioner Gauri Shanker and Ram Sumer Singh were made center superintendent. The petitioner being a Government employee is neither director nor the owner of the school. There is no documentary evidence to show that petitioner ever functioned as director of the A.V.N. school. Parmeshwar Ram, the Secretary of Commission, along with Avinash Kumar, Data Entry Operator of the Commission, were arrested but they did not disclose the name of the petitioner although they disclosed the name of different persons who are involved in the racket of leaking the question papers and transmitting the answer sheets among the candidates who had paid money. Pawan Kumar made his confessional statement but the petitioner was also arrested and he is said to have confessed his guilt. The petitioner, of course, talked with Ram Sumer Singh, who happens to be brother-in-law of the petitioner, on 25.02.2017 and 31.01.2017 but this fact does not, in any way, show involvement of the petitioner. Gauri Shanker, one of the staff of A.V.N. school, disclosed that petitioner was present in the school before beginning of examination but tower location of the mobile of petitioner does not corroborate the presence of the petitioner in the school. Even the Chairman of Commission has not disclosed the name of petitioner. It is further submitted that co-



accused Sajjad Ahmad has already been granted bail vide order passed in Cr. Misc. No. 32916 of 2017 and the petitioner deserves bail.

On the other hand, Mr. Ajay Mishra, the learned Additional Public Prosecutor, submits that petitioner is one of the chief architects of the conspiracy in competitive examination scam who managed the centre of competitive examinations in his school. Before beginning of the examination the petitioner got the photographs of the question papers and he instructed the other staff of the school to send the question papers on different whatsapp numbers and got answer sheets. The petitioner was found having talked with Atal Bihari and Ram Sumer Singh on their mobiles. During the course of investigation, it has come that petitioner being director of the A.V.N. school is also deeply involved in leaking the question papers for the students appearing in the competitive examination for appointment. The prayer for bail of other accused persons have already been rejected by this court. The prayer for bail of Sudhir Kumar, Chairman of the Commission has already been rejected by the Supreme Court in Special Leave to Appeal (Crl.) No. 1855 of 2018. The prayer for bail of accused Vinit Kumar has also been permitted to be withdrawn by the Apex Court after some argument. It is further



submitted that even the bail granted to accused Sajjad Ahmad has already been cancelled vide order dated 28.03.2018 passed in Cr. Misc. No. 60714 of 2017, after considering all the facts that he got bail on concealment of facts.

Perused the records and the case diary.

The petitioner is, of course, not named in the FIR. For the first time the police officer of Agamkuan P.S. got information that Pawan Kumar and Atul Ranjan Sinha were distributing the questions and answer sheets to the examinees of the Commission. The examination was scheduled to be held in four phases. When the house of Pawan Kumar and Atul Ranjan Sinha was raided, Pawan Kumar, Bipin Kumar and Nawnit Kumar were apprehended and they disclosed the names of other accused persons. During the course of investigation, many other persons came and informed the I.O. that they also received the whats app messages of answer sheets on their mobiles with regard to question papers of the examination to be held on 05.02.2017. It transpired that Avinash Kumar, Data Entry Operator of the commission, Parmeshwar Ram, Secretary of the Commission, are also involved in leaking the question papers. They disclosed the names of other accused persons who are indulged in circulating the question papers and answer sheets among the candidates of



their choice who had paid money to them. It also transpired during the course of investigation that Ramashish Rai, the petitioner, director of A.V.N. school, and his relative, Ram Sumer Singh, is also involved in the scam. They used to print out the questions before beginning of the examination and sent whats app messages to different persons of his gang. Thereafter, they got whats app messages of answer sheets and circulate the same to different candidates. On the basis of disclosure made by petitioner and his brother-in-law, Ram Sumer Singh, who was working in the school, name of Gauri Shanker, Anand, Om Prakash, Rishideo, Atal Bihari and Mukesh Kumar came to surface. It further transpired during the course of investigation that several candidates got question papers and answer sheets before the scheduled time of examination. From perusal of entire case diary, call detail report and entire report of Forensic Science Laboratory after examination of whats app messages, it appears that all the accused persons including the petitioner, Ramashish Yadav, were in regular touch with each other before and after commencement of the examination.

It appears that petitioner is also one of the members of a gang which involved in competitive examination scam. Petitioner has also got criminal antecedent and he is accused in



Special case No. 21 of 2016 lodged almost on the similar allegation.

Considering the facts aforesaid and nature of allegation made against the petitioner, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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