

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38894 of 2017

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

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Anantpreet Singh Brar, Son of Ajaib Singh Brar, R/o House No. 176, Sector 21, Village- Tundahera, P.S.- Udyog Vihar, District- Gurugram, State- Haryana,

... .. Petitioner/s

Versus

1. The State of Bihar .
2. The D.G., Vigilance, Bihar, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Dr. Krishna Nandan Singh, Sr. Advocate Mr. Abhimanyu Sharma, Advocate Mr. Sriram Krishna, Advocate Mr. Dr. Kamal Deo Sharma, Advocate
For the State	:	Mr. Ajay Mishra, APP
For I.B.	:	Mr. Rama Kant Sharma, Sr. Advocate

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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.

2. Petitioner is languishing in judicial custody since 20.03.2017 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 Information Technology Act, 2000 and Sections 7/8/9/13(1)(c)(d)(e) read with 13(2) of the P.C. Act, 1988.

3. 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, but three persons seeing the police started fleeing but were apprehended. The apprehended accused persons disclosed their names as Pawan Kumar, Bipin 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.

4. It has been submitted by the learned counsel for the petitioner Dr. Krishna Nandan Singh, Senior Advocate that he is innocent, has not committed any offence and has been falsely implicated in the aforesaid case. He is not named in the First Information Report, was only a supplier of OMR sheet for the said BSSC examination and simply for supplying OMR sheet there was no question of leakage of question paper. Although, he was an evaluator also but since the examination did not conclude and was abandoned mid-way, the question of evaluation of answer-sheet also does not arise. His contention is that he is the authorized signatory of M/s Sarwatra IT Services Pvt. Ltd. and is doing similar works in the State of Bihar, Haryana, Andhra Pradesh, Delhi and NCR region. He has even worked for the Hon'ble High Court, Patna regarding appointment to the post of Assistant by providing biometric machine and biometric technician for the said interview. M/s Sarwatra IT Services Pvt. Ltd. had undertaken BSSC work since 2014 and was being paid by the BSSC, although no formal agreement was executed as the examinations had to be kept extremely confidential. The allegation that he was constantly in touch with the Printer Vinit Kumar and Niti Ranjan Pratap, IT



Manager, BSSC was incidental to his business as a provider of OMR sheet and evaluator. No implied criminal conspiracy can be alleged on that count as he had to be in constant touch with the Secretary, Chairman, IT Manager, Printer for his day-to-day business. He submits that allegation that he had a telephonic conversation with Anand Sharma, land broker is completely false as the print out of telephone calls of mobile of co-accused Anand Sharma of 09.02.2016 for 12 seconds does not figure in the call statement which he has annexed at page 44 to 46 of his supplementary affidavit.

5. So far as the allegation that the Printer Vinit Kumar, who is also known as Vinit Suresh Chandra Arya, was a Director in his Company Sarwatra IT Services Pvt. Ltd., as part of the conspiracy he submits that he was inducted as a Director for a very short period between 02.11.2015 to 01.08.2016 for a tender in Delhi, which did not fructify, so the Printer Vinit Kumar resigned. However, Vinit Kumar had not operated the Bank account of the petitioner's Company. Counsel for the petitioner again lays emphasis that the petitioner had to remain in touch with the authorities of the BSSC prior to examinations in connection with design, the absentee performance and various other queries which had to be discussed time to time, as such, his telephonic conversations



cannot have any adverse imputations. He further contends that similarly the allegation of telephonic conversation with co-accused Ajay Singh, staff of Printer Vinit Kumar was also for business purpose. The confession of the petitioner on remand, that his handwriting matches with the manuscript of the BSSC examination had been sent to the Police Laboratory, CID, Bihar, which has not given any definite opinion, that the handwriting of the manuscript is similar with the handwriting of the petitioner. As a last limb of argument he submits that since the allegation is against large number of individuals and since lengthy trial may prolong beyond maximum sentence, considering the hardship caused to the petitioner on account of detention before conviction as he suffers poor health and was arrested from the VIMHANS hospital where he was undergoing treatment, he be granted privilege of bail subject to any condition, which he undertakes to fulfill. He further submits that charge-sheet has already been submitted and the petitioner is languishing in judicial custody for more than a year.

6. Mr. Ajay Mishra, learned counsel appearing for the State strenuously opposes the prayer for bail stating therein that the petitioner has committed a serious socio-economic offence affecting the morale and educational backbone of the society.



Petitioner along with other co-accused has deprived the rights of deserving candidates to get good jobs by resorting to fraudulent and illegal means in conducting the BSSC examination for meritless candidates. He submits that during investigation involvement of the petitioner in leakage of BSSC question papers was found. The petitioner was also one of the associates and conspirators with other co-accused. He further submits that the supply of OMR sheet to the BSSC was done without any agreement although there was a tender and the confessional statement of Niti Ranjan Pratap, IT Manager of BSSC, who disclosed that the petitioner was also part of the conspiracy along with one Ramesh @ Rameshwar, owner of a coaching institute, with whom the petitioner also had a telephonic conversation, which is evident from CDR analysis of the mobile of the petitioner. The petitioner in his questionnaire had replied that he was in direct touch with Printer Vinit Kumar and also co-accused Sudhir Kumar, which is apparent from pages 392, 393 of the case diary. He submits that the petitioner was also directly in touch with other accused persons. Furthermore, the prayer for bail of the co-accused Vinit Kumar, Niti Ranjan, Sudhir Kumar have been rejected and in some have been rejected also by the Hon'ble Apex Court. He further submits that during course of investigation



petitioner was also found to be indulged in leaking of question papers of the BSSC exams for illegal gain and the co-accused revealed how the racket was carried out and the petitioner was also one of the active members of the gang. The active participation of this petitioner has been noticed during course of investigation, which is available in the case diary.

7. Perused the records and the case diary. Considering the facts and circumstances and the materials on record as well as the 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 Vigilance Judge-1, Patna.

8. Application is, accordingly, rejected.

9. The report of handwriting expert in sealed cover be returned to Police Laboratory, CID, Bihar.

(Nilu Agrawal, J)

Rajesh/-

AFR/NAFR	NAFR
CAV DATE	14.03.2018
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