

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44187 of 2018

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

Sanjeev Kumar Suman S/o Arun Kumar Yadav, R/o Vill.- Husaina, P.S.- Barari, District- Katihar, at present Mohalla- Chitrangupta Nagar, Mansingh Path, P.S.- Patrakar Nagar, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The State Vigilance Department , Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harish Kumar, Advocate

For the Opposite Party/s : Mr. Ajay Mishra, AC to Law Officer

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

6 03-12-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is languishing in custody 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 P.C. Act.

Allegation against the petitioner is that he was examiner of Math copy of the topper of intermediate science stream of 2016 examination. Though the candidate had got 48 marks the petitioner enhanced the same as 51 marks. In pursuance of order dated 01.11.2018 other answer books of the candidate was called for. The same would reveal that in Alternative English the candidate got 48 marks, in physics got



38 marks in Chemistry she got 39 marks, in English she got 87 marks whereas in Biology and Hindi she got 37 and 45 marks respectively. The aforesaid marks did not make the candidate topper of the year; rather some interpolation and management was done at the level of preparation of tabulation chart and in preparation of list of tabulation the petitioner was not involved. Petitioner is in custody since 10.06.2016.

Submission is that co-accused Lalkeshwar Prasad, who was the Chairman of Bihar School Examination Board, has already been allowed bail by the Hon'ble Supreme Court in Cr. Appeal No.1496 of 2018 considering the period of custody and totality of the facts.

Learned counsel for the Vigilance opposed the prayer for bail.

Considering the facts aforesaid, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with Vigilance Case No.32 of 2016(Kotwali P.S. Case No.270/16) with following conditions:

(a) Both the bailors shall be the resident of



territorial jurisdiction of the learned Court-below.

(b) The petitioner shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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