

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53383 of 2017

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

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1. Parmeshwar Ram @ Prameshwar Ram S/o late Gulab chandr Ram
Resident of Village- Bhagwat Nagar- Kumhrar, P.S.- Agamkuan, District-
Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mithilesh Kumar Rai

For the Opposite Party/s : Mr. Sri Upendra Kumar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

13 26-06-2018

Heard both sides.

The petitioner seeks bail in Agamkuan P.S.
Case No.44 of 2017, Spl.Vigilance Case No.11/2017
registered under Sections 419, 420, 467, 468, 471/34 of
the Indian Penal Code. Later on Sections 120B of the
Indian Penal Code, 66(B) I.T. Act and Sections 7, 8, 9,
13(i)(A)(D)(C) read with Section 13(2) of Prevention of
Corruption Act, 1988 were added.

Mr. A.K. Thakur, learned Senior counsel
appearing on behalf of the petitioner submits that the
petitioner is not named in the F.I.R. There is absolutely no
evidence collected during course of investigation against



the petitioner. The petitioner was working as Secretary of B.S.S.C. and on mere suspicion the name of the petitioner has been dragged in this case. Being Secretary of B.S.S.C. the petitioner was assigned the duty of maintaining of offices and ensures the compliance of the order of the Commission. The petitioner had no role to play in the policy making of the Commission. It was the Chairman, who used to take decisions with regard to conduct of examination to be held by the Commission for appointment in the different offices of government of Bihar. It is further submitted that during course of investigation, the Investigating Officer collected the material that the petitioner had talked with different persons. It is submitted that being Secretary of the Commission, the petitioner had talked with Anant Preet Singh Barar and others for smooth conduct of examination but mere conversation with others does not disclose that the petitioner was involved in getting the question papers and answer sheets of examination before



commencement of the examination and to provide the same to the candidates. There is no material that the petitioner supplied the question papers and answer sheets through any electronic device to any appearing candidates and there is no material on record to show that the petitioner made available the answer sheets to any of the candidates. The accused persons and other Staff of B.S.S.C. in order to save their own skin implicated the petitioner. It is further submitted that the charge sheet has already been submitted and the petitioner is in jail for about a year and there is no chance of tampering with the evidence.

On the other hand, Mr. Ajay Mishra, learned counsel for the State vehemently opposed the prayer for bail and submitted that the petitioner was posted as Secretary of B.S.S.C. During course of investigation, involvement of the petitioner also transpired in the case. The house of the petitioner was searched and many documents, recommendation letters for selection of



candidates in Inter Level Combined Examination to be held by B.S.S.C. were recovered. It also transpires that during the course of investigation the Chairman of the Commission entrusted Vinit Kumar for printing the question papers. Anant Preet Singh Barar was entrusted with the work of preparing O.M.R. sheets. The petitioner was in regular touch with other accused persons including Vinit Kumar and Anant Preet Singh Barar. Not only the petitioner being the Secretary but Niti Ranjan Pratap, I.T. Manager of B.S.S.C. was in regular touch with each other. When this fact came to light that the question papers of the examination held for 05.02.2017 was made available to different candidates through Whatsapp and supplied 126 answer keys were tallied with the answers of option of answers but the petitioner got notification published in the Daily Newspaper refuting the allegation of leaking the question papers of the examination. The mobile of the petitioner was seized and the petitioner was having sim no.9470884253. The message inbox was opened and it



was found that many messages for the selection of different candidates in the Intermediate Level Examination were found in the message inbox of the mobile of the petitioner. Other accused persons such as Pawan Kumar, Avinash Kumar, Koushal Singh and others also disclosed the fact that the petitioner was also involved in exam scam to get merit less candidates in the competitive examination and in order to provide them job. It is submitted that the petitioner being the Secretary of the Commission was found deeply involved in getting merit less candidates selected through illegal means in order to provide job to them and the petitioner has also acquired huge property.

Perused the F.I.R. and the Case diary. Of course the petitioner is not named in the F.I.R. but during course of investigation, the name of the petitioner figured in the statement of other accused persons. When the news flashed before commencement of examination on 05.02.2017 about the leakage of answer papers and supply



of answer keys the petitioner being the Secretary of B.S.S.C. refuted the allegation by publishing the notification in daily newspaper. From the message inbox of the mobile of the petitioner, it transpires that the petitioner had received the names of different candidates from different persons for their appointment on different posts for which Inter Level Combined Examination was to be held by the B.S.S.C. There is ample material to show the involvement of the petitioner in the exam scam along with Chairman and other staff of the Commission.

Taking into consideration the aforesaid facts, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

Since the petitioner is in custody since 06.02.2017, the trial court is directed to expedite the trial after holding the trial on day to day basis and conclude the same within six months from the date of receipt of this order.

If the trial is not completed within the



stipulated period, the petitioner may renew his prayer for
bail.

(Prabhat Kumar Jha, J)

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