

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53691 of 2017

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

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Bhola @ Nitesh, Nitesh Kumar Son of Sri Murat Lal Singh Resident of Village-Chandura, P.S.-Punpun, Distt- Patna, At Present residing at Bahadurpur Housing Colony, MIG, Sector-3, Block-11, Flat No. 18, P.S. Agamkuan, Dist-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mithilesh Kumar

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

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

20 03-12-2018

Heard both sides.

The petitioner seeks bail in Special Case No. 11 of 2017, arising out of Kadamkuan P.S. case No. 44 of 2017, registered under Section 419, 420, 467, 468, 471, 34 of the IPC. Later on Section 120B of the IPC and Section 66(B) of the Information Technology Act have been added.

The learned counsel for the petitioner submits that the informant got information that Pawan Kumar and Atul Ranjan Sinha were indulged in procuring question papers and supplying answer sheets to the candidates who had to appear at the examination conducted by Bihar Staff Selection Commission (BSSC) for appointment on different posts in the different departments of the Government of Bihar. They were using



electronic devices for transmitting the question papers and answer sheets to the examinees. On such information, the house of Dinanath Singh was raided. Pawan Kumar, Bipin Kumar and Navntit Kumar were apprehended and they disclosed that Atul Ranjan Sinha, Gorelal @ Kaushik and Bhola @ Nitesh, the petitioner, are their accomplices in transmitting the question papers and answer sheets to different examinees in order to get them job, after realizing hefty amount from the examinees. It is further submitted that, of course, the apprehended accused disclosed the name of petitioner and gave different mobile Nos., alleged to have been used by the petitioner and other accused persons, but none of the mobile Nos. belongs to the petitioner. The I. O. did not submit the customer application identity form and call details in order to substantiate the allegation. The police took confessional statement of the petitioner but save and except confessional statement there is no material to show involvement of the petitioner in the alleged examination scam for appointment. During the course of investigation Brijendra Kumar @ Badri, Dharmpal Kumar, Om Prakash and Rakesh Roushan named the petitioner alleging involvement of the petitioner in the scam but their statement could not be recorded under Section 164 of the Cr. P. C. It is further submitted that



petitioner is in jail since 21.06.2017. This court rejected the prayer for bail of co-accused, Vineet Kumar on 04.05.2018 with liberty to renew prayer for bail after six months if the trial is not concluded. It is submitted that trial has not yet been concluded and, therefore, the petitioner deserves bail.

The learned A.P.P., however, vehemently, opposed the prayer for bail and submitted that name of the petitioner was disclosed by the persons who were apprehended on the spot and from them many articles, that is, marks sheets, certificates, admit cards of the examinees and electronic devices, mobiles etc. were recovered. It is submitted that during the course of investigation ample materials have come that the petitioner was also a member of the well knit gang, which was indulged in competitive examination scam for appointment in different departments of Government of Bihar. It is further submitted that petitioner and other accused persons were found to have linked with the staff of BSSC and they were found to have talked with them on their mobiles before commencement of the examination. The prayer for bail of all other accused persons, namely, Vinit Kumar @ Vineet, Ajay @ Kashyap, Bipin, Dinesh Yadav and Sudhir Kumar have already been rejected by this court. The prayer for bail of Sudhir Kumar, the



then Chairman of BSSC, has also been rejected by Hon'ble Supreme Court. The prosecution has taken all steps for conclusion of trial but the accused are filing petitions after petitions stalling the framing of charge and conclusion of trial.

From perusal of the FIR and case diary, I find that the name of petitioner was transpired in the statement of accused persons, who were arrested on the spot and from them many incriminating materials including electronic devices were recovered showing that petitioner and other accused persons were deeply involved in a well knit scam for providing job to undeserving candidates in different departments of Government of Bihar and prayer for bail of similarly situated accused persons have already been rejected.

Considering the facts aforesaid, I am not inclined to enlarge the petition on bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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