

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46882 of 2017

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

Rakesh Ranjan @ Rocky, Son of Late Suresh Choudhary, resident of Village-
Gajendra Bigha, P.S. Hilsa, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar through Vigilance, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Rakesh Kumar, Advocate
For the Opposite Party/s :	Mr. Ramakant Sharma(L.O., I/C. Vigilance)
	Mr. Ajay Mishra, APP

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.

Petitioner is languishing in judicial custody since
19.04.2017 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(B) of the I.T. Act and Sections
7/8/9/13(1)(c)(d)(e) read with 13(2) of the P.C. Act, 1988.

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

Learned counsel for the petitioner submits that there is no direct evidence against him, he is not named in the First



Information Report and his name surfaced during course of investigation of having been in touch on phone with some of the accused persons, namely, Kaushlendra Kumar @ Kaushik @ Gorelal and Atul Ranjan Sinha, which does not signify that he was a part of conspiracy dealing with leak of question papers. He submits that he is a B.Tech graduate from NIT, Patna in Information Technology and while going to a Barat party along with his Mama Sanjeev @ Guruji and friend Kaushlendra @ Gorelal he was apprehended. He further submits that charge-sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses by the petitioner and he is languishing in judicial custody since a year, hence, a sympathetic consideration be given. He also submits that nothing has been recovered from his possession, there is no transaction in his Bank regarding money being taken by him for the said leakage of question papers of the examination so conducted by the BSSC.

Learned counsel for the State- SIT vehemently opposes the prayer for bail stating therein that the petitioner in his own confessional statement has confessed that being an unemployed graduate he came in contact with co-accused Atul Ranjan Sinha and was also promised to pay Rs. 1 lac per candidate for each candidate. He also admitted in his confessional statement, which



finds place in paragraph 106 of the case diary, that he was also involved along with co-accused Gorelal, Rajnish and Bhola. He also admitted that he along with his Mama Sanjeev @ Guruji had also used Bluetooth device for Bank examination. He submits that the CDR of the mobile belonging to the petitioner was taken and it was found that he had talked to co-accused Atul Ranjan Sinha on the date of examination and a day before examination which finds place at paragraph 1106 of the case diary. He further submits that the allegation against the petitioner is identical to that of co-accused Mukesh Kumar, Gauri Shankar Singh and Sajjad Ahmad whose prayer for bail has been rejected by this Court. He also submits that co-accused Sajjad Ahmad, who was granted bail earlier by a coordinate Bench of this Court, his bail has subsequently been cancelled.

From perusal of entire case diary, CDR of the mobile of the petitioner as well as his confessional statement, it appears that the petitioner was in constant touch with other accused persons before and on the date of commencement of examination and there are materials that he is also involved in the scam of leaking the question papers and answer-sheets.

Considering the facts and circumstances and the materials on record, 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 Judge, Vigilance Ist, Patna.

Application is, accordingly, rejected.

(Nilu Agrawal, J)

Rajesh/-

AFR/NAFR	NAFR
CAV DATE	11.04.2018
Uploading Date	18.04.2018
Transmission Date	18.04.2018

