

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54953 of 2017

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

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1. Ajay Kumar, Son of Late Dhoop Lal Singh, Resident of Village-Faridpur, P.S.- Janipur, District- Patna.

.... Petitioner/s

Versus

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

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Malay Kumar Choudhary

For the Opposite Party/s : Mr. Sri Ajay Mishra

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

14 26-06-2018

Heard both sides.

The petitioner seeks bail in Agamkuan P.S. Case No.44 of 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. Ajay Kumar Thakur, learned Senior counsel for the petitioner submits that the petitioner is not named in the F.I.R. The name of the petitioner figured in the case in the confessional statement of other accused



persons. Nothing incriminating article has been recovered from the possession of the petitioner. The only allegation against the petitioner is that the petitioner had talked with the candidates and took money from them to provide answer sheets but there is no material that the petitioner transmitted any answer sheets to any candidates. The acts of the petitioner can only be said to be an attempt to commit offence of cheating but in absence of material to the effect that the petitioner took money from the candidates, provided answer sheets for the competitive examination to them, no offence under Section 420 and other Sections of the Indian Penal Code is made out.

On the other hand, Mr. Ajay Mishra, learned counsel appearing on behalf of the State submits that the material has come against the petitioner that the petitioner used to collect money from the candidates and the roll numbers and other details of such candidates were provided to Alok Ranjan, Nitin Kumar @ Sanoj Verma, Vikas and Dinesh. The police also found that Whatsapp of



the petitioner was saved in the name of Ajay Kumar and it was found that the petitioner had talked with other accused persons. One diary was also recovered showing that the petitioner gave money to Alok Ranjan after collecting the same from different candidates. It has also come that the petitioner realized money from more than 200 candidates to provide answer keys to them before commencement of combined examination conducted by the B.S.S.C. The call details of the mobile of other accused persons also show that the petitioner was in regular touch with other accused persons immediately before the commencement of the examination. It is submitted that the petitioner is also a member of the group, who indulged in offence of obtaining question papers and answer keys of different examination to be held by B.S.S.C. and others and provided the same to the candidates before commencement of the examination. It is further submitted that the Data Entry Operator and other employees including the Chairman of the Bihar Staff



Selection Commission along with the petitioner and others are also involved in such a big exam scam and the prayer for bail of other accused persons has already been rejected by this court.

Perused the F.I.R. and the Case diary. The police after having received information about the involvement of Pawan Kumar and Atul Ranjan Sinha and others in getting the merit list candidates through in competitive examination for appointment of different posts raided the house of Dinanath Singh in which the accused persons were residing. Pawan Kumar, Vipin Kumar and Navnit Kumar were apprehended on the spot and many electronic devices were recovered. The apprehended accused disclosed the names of other accused persons, who are indulged in corrupt practices for getting the question papers and answer sheets through illegal means before commencement of examination and provided the same to the candidates before commencement of examination for getting them



recruitment on different posts of different department of the government of Bihar for which B.S.S.C. was holding examination. Many electronic devices were also seized during the course of investigation. The petitioner was also arrested on the basis of disclosure made by other accused persons and call details of mobiles and other electronic devices showing that the petitioner is also one of the active members of group who used to collect money from the candidates aspiring for getting job through illegal means in different department of government of Bihar and provide them question papers and answer keys. The prayer for bail of other accused persons has already been rejected.

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

The Trial court is directed to expedite the trial after holding the same 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 concluded within the stipulated period, the petitioner may renew his prayer for bail.

(Prabhat Kumar Jha, J)

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