

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49156 of 2017

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

Radha Kumari @ Pinki Kumari, D/o Late Laleshwar Prasad, R/o Indrapuri
Sipara, P.S.- Beur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar through the Additional Director General, Vigilance
Investigation Bureau, Patna.

... .. Opposite Party/s

with

Criminal Miscellaneous No. 52221 of 2017

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

Sanjeev Kumar @ Sajeev Kumar, S/o Ram Dayal Singh, R/o Mohalla-
Vaishanav Vihar, Ashiana Nagar, P.S.- Rajiv Nagar, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Union of India through the Department of Vigilance, Patna.

... .. Opposite Party/s

Appearance :

(In Criminal Miscellaneous No. 49156 of 2017)

For the Petitioner	:	Mr. Patanjali Rishi, Advocate
For the State	:	Mr. Ajay Mishra, APP
For the Vigilance	:	Mr. Ramakant Sharma (L.O.,Inc.,Vigilance) Mr. Kedar Singh, AC to L.O., Inc., Vigilance

(In Criminal Miscellaneous No. 52221 of 2017)

For the Petitioner	:	Mr. Anjani Parashar, Advocate
For the State	:	Mr. Ajay Mishra, APP
For the Vigilance	:	Mr. Ramakant Sharma (L.O.,Inc.,Vigilance) Mr. Kedar Singh, AC to L.O., Inc., Vigilance

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL ORDER

10 30-03-2018

Heard learned counsel for the parties.

Petitioners, already in custody, seek bail in connection
with Special Case No.11 of 2017, arising out of Agamkuan P.S.
Case No.44 of 2017, registered under Sections 419, 420, 467,
468, 471 and 34 of the Indian Penal Code.

Allegation in brief is that police apprehended some



persons named in the FIR engaged in using electronic device and bluetooth by use of transmitting the answers to candidates appearing in the examination conducted by Bihar Staff Selection Commission. Later on during investigation a scam came to the surface exposing involvement of Chairman of the Commission, his relatives and others in leaking the question papers, its key answers and passing the same to the prospective examinees on payment of money.

Learned counsel appearing on behalf of the petitioner in Cr. Misc. No.49156 of 2017 submits that the petitioner, namely, Radha Kumari @ Pinki Kumari is the sister of another accused Ramesh @ Rameshwar and it is alleged that Rameshwar gave her one answer key and asked her to rewrite the same in her own handwriting, however some of the co-accused have been admitted to bail by different coordinate Benches of the Court. It is also submitted that petitioner Radha Kumari @ Pinki Kumari has not wrongfully gained, merely on the instruction of her brother, she copied the key answer without having knowledge of being used in the examination. Learned counsel appearing on behalf of the petitioner Sanjeev Kumar @ Sajeev Kumar in Cr. Misc. No.52221 of 2017 submits that the only material against the petitioner is that he was having talk on



mobile phone with other co-accused Nitin as well as the confessional statement of the petitioner before the police, except that there is no other material against the petitioner and has been in custody since 08.06.2017 having no criminal antecedent.

Learned counsel appearing on behalf of the State submits that as far as petitioner Radha Kumari @ Pinki Kumari is concerned, she was also an examinee in the examination to be conducted by Bihar Staff Selection Commission and there is evidence that she copied the key answers obtained by her brother Ramesh @ Rameshwar from Ashish, nephew of the Chairman of the Commission thereafter this key answer was sent by Whatsapp to other fixed candidates after receiving money from them and this petitioner also appeared in the said examination. It is further submitted that it is scam of a serious nature in which the Chairman of the Commission, his close relatives and other accused persons acting as middle man were connected with each other and sold the question paper and answer key to candidates appearing in the examination. It is also submitted that bail petitions of similarly situated co-accused Arun Kumar, Om Prakash and other accused persons, who were examinees like petitioners were earlier rejected by a coordinate Bench of the Court. Further bail granted to Sajjad was also



cancelled. Learned counsel for the State further submits that there is evidence that mobile of Ramesh, brother of petitioner Radha Kumari @ Pinki Kumari was sent to FSL and the copied key of the answer sheet in the handwriting of petitioner Radha Kumari @ Pinki Kumari was detected. It is submitted by learned counsel for the State that petitioner Sanjeev Kumar @ Sajeev Kumar (Cr. Misc. No.52221 of 2017) was also actively involved in this scam and he was in contact with Ramesh @ Rameshwar, the brother of another petitioner Radha Kumari @ Pinki Kumari (Cr. Misc. No.49156 of 2017) and petitioners were also examinees.

Having considered the aforesaid facts and circumstances of the case, the magnitude of the scam, the evidence transpired during investigation against the petitioners as well as rejection of prayer of bail of other examinees, the prayer of bail of the petitioners is rejected in connection with Agamkuan P.S. Case No.44 of 2017, pending in the court of learned Special Judge, Vigilance 1st, Patna.

(Arun Kumar, J)

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