

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.36794 of 2018

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

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Guddu Kumar son of Laldeo Singh @ Laldev Singh, resident of Vishunpura
Narayanpur P.S. Obra, District Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar through Vigilance, Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha

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

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 12-09-2018 Heard Mr. Bachan Jee Ojha, the learned counsel

appearing on behalf of the petitioner, Guddu Kumar, and Shri

Ajay Mishra, the learned Additional Public Prosecutor for the

State.

The petitioner seeks bail in Special Case No.11 of
2017, arising out of Agamkuan P.S. Case No.44 of 2017
registered for the offence allegedly committed by the petitioner
under Sections 419, 420, 467, 468, 120(B) and 471/34 of the
Indian Penal Code, 66(B) of the I.T. Act and Sections 7, 8, 9,
13(i)(a)(d)(e) read with Section 13(2) of the P.C. Act.

The learned counsel for the petitioner submits that the
petitioner is not named in the FIR. The name of the petitioner
figured in the case during the course of investigation. The only
evidence against the petitioner is that the petitioner talked with
one Dinesh Kumar as per the CDR of the mobile. It is further
submitted that the petitioner is in jail since 19.02.2017. On the



other hand, Shri Ajay Mishra, the learned Additional Public Prosecutor opposes the prayer of bail of the petitioner and submitted that the prayer of bail of the petitioner was earlier rejected vide order dated 06.12.2017 passed in Cr. Misc. No.23833 of 2017. The prayer for bail of other accused persons have already been rejected. The case relates to the examination scam in which it transpired that the Chairman of the Bihar Staff Selection Commission along with many other persons were involved and the question papers and answer sheets of the examination to be held for appointment of Clerk and others in different offices of the State of Bihar was circulated before the commencement of the examination. The petitioner was also found during the course of investigation involved in the scam. It is further submitted that each and every accused of this examination scam did work for circulating question papers and answer sheets among the candidates of their choice after realizing hefty amount from them before schedule of the examination so that they may be selected. Prayer for regular bail of many accused persons has already been rejected by the Hon'ble Apex Court.

It appears that during investigation of the case, the name of the petitioner also surfaced and it has transpired that the



petitioner along with other accused persons are involved in the examination scam in which the question papers and answer sheets of the examination to be held by the Bihar Staff Selection Commission for appointment of Clerk in difference offices of the Government of Bihar were procured and the question papers and answer sheets were circulated to the examinees who paid hefty amount for getting job by using unfair means. The petitioner appears to have also played his role with other members of the gang who are involved in getting the question papers and answer sheets of the examination before commencement of the examination. Prayer for bail of other accused persons has already been rejected and the trial is going on.

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

If the trial is not concluded within six months, the petitioner may renew his prayer for bail.

(Prabhat Kumar Jha, J)

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