

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51795 of 2018

Arising Out of PS. Case No.-295 Year-2018 Thana- GOPALGANJ TOWN District-
Gopalganj

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Chhathu Singh @ Chhatoo Singh S/o Late Vishwanath Singh, R/o Vill.-
Parsauni, P.S.- Uchkagaon, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

Criminal Miscellaneous No. 53051 of 2018

Arising Out of PS. Case No.-295 Year-2018 Thana- GOPALGANJ TOWN District-
Gopalganj

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Pappu Kumar S/o Bhagwanji Sah, R/o Vill.- Sisai, P.S.- Barauli, District-
Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In Criminal Miscellaneous No. 51795 of 2018)

For the Petitioner/s : Mr. Ashish Giri

For the Opposite Party/s : Mr. Sri Prem Kumar Jha

(In Criminal Miscellaneous No. 53051 of 2018)

For the Petitioner/s : Mr. Parashuram Singh

For the Opposite Party/s : Mr. Smt. Rita Verma

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

4 05-10-2018 Both the petitions arise out of same P.S. i.e. Gopalganj

Town P.S. case no. 295 of 2018 and as such, they have been

heard together and are being disposed of by this common order.

Heard learned counsel for the petitioners and the

learned APP for the State.



The petitioners seek bail in Gopalganj Town P. S. Case No. 295 of 2018 instituted for the offence under Section(s) 381, 120B of the Indian Penal Code. Subsequently Sections 411, 409, 420, 379, 413 and 414 of the IPC has been added.

It is alleged in the FIR lodged by Principal of S.S. Balika + 2 Higher Secondary School, Gopalganj that aforesaid school was made evaluation Centre by the Bihar Secondary Examination Board for the purpose of evaluation of the answer sheet copies of BSEB Examination, 2018 of which the centre code is 100. The evaluation was done under the guidance of co-ordinators . It is alleged that on 5.4.2018 all the evaluated answer sheet copies was kept in Strong Room of the school. The door of strong room was locked and sealed by the orderly (Chhathhu Singh petitioner of Cr. Misc. no. 51795 of 2018). The orderly Chhathhu Singh handed over one key to the informant of the said Strong Room. The college was closed on 15.6.2018 on the occasion of EID festival. The informant was at his home. Mr. Sujit Kumar who addressed himself as the employee of BSEB contacted the informant through phone on EID and informed him that the Board has required 12 answer sheet copies. The informant reached Gopalganj at around 12 PM



after being informed by the BSEB employees and after much search of the answer sheet copies the informant handed over all the required answer sheet copies to the employees of the BSEB namely, Sujit Kumar and Pradeep Kumar except two answer sheet copies of science and one answer sheet copy of social science. The informant thereafter requested the employees of the BSEB, namely Sujit Kumar and Pradeep Kumar that other answer sheet copies will be provided to them very soon but the employees said that they are in hurry as the directions are given by the BSEB. The employees said to the informant that they are leaving and ordered to submit the rest answer sheet copies soon. Thereafter, during the search of the answer sheet copies , next day on 16.6.2018 at around 4 PM the informant came to know that few bags of answer sheets of HND- 13, NLH-03, URD-1, ENG-14, SC-115, MTH-16, SSC-50 and ECO- 44 of the total 23 bags are missing. The informant has further alleged that that the missing answer sheet copies of the Secondary Examination, 2018 has been made disappeared from the Strong Room by the orderly Chhathhu Singh, Night Guard, namely Aaspujan Singh and other teaching staffs of the school at night through some vehicle with an intention to theft. The informant is the resident of Uttar Pradesh and the orderly



Chhathu Singh, Nigh Guard , namely Aaspujan Singh and other teaching staffs of the school are of the localities. They have conspired and got the answer sheets disappeared.

Case diary has been received in this case . Learned APP for the State after perusing the case diary has submitted that there is specific allegation against the petitioner Chhathu Singh (petitioner of Cr. Misc. 51795 of 2018) of getting the answer sheets disappeared from Strong Room. It has further been submitted that it has come in the case diary that those answer sheets have been sold to Pappu Kumar (petitioner of Cr. Misc. no. 53051 of 2018) who is scrap dealer. He has made those copies disappeared on the pretext of selling the same to some other person.

Learned counsel for the State has further submitted that police during course of investigation has recovered five empty bags to be used for Bar Coding Centre of Bihar School Examination Board, Patna, answer sheets of science as mentioned in detail in para 34 of the case diary. The accused , namely, Pappu Kumar (petitioner of Cr. Misc. no. 53051 of 2018) has confessed before the police in his statement recorded in para 33 of the case diary of having received several bundles of answer sheets from Chhathu Singh and Aaspujan Singh of



Bihar School examination Board and he has sent those answer sheets to Uttarakhand and the remaining bundles were found in his Kabari shop . The other witnesses in the case diary in their statement in para 6, 26, 46, 47, 48 and 49 have all leveled specific allegation against both these petitioners in getting the bundles of answer sheets disappeared from the Strong Room of the School. The police has mentioned in para 32 of the case diary that CDR of the mobile phone of Pappu Kumar and Chhathu Singh show that both of them have talked with each other several times as mentioned in para 32 of the case diary

In such circumstances, this Court is not inclined to grant bail to the petitioners of both the cases. The prayer for bail of the petitioners stands rejected.

Trial Court is directed to expedite the trial.

(Sanjay Priya, J)

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