

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11737 of 2019

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

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Anand Sharma , aged about 50 years, Son of Late Radhe Shyam Sharma,
Resident of Village- Korji, P.O.- Mahmadpur, P.S.- Phulwarisharif, Via-
Khagaul, District- Patna- 801105 ... Petitioner

Versus

The State of Bihar Through Vigilance Bihar ... Opposite Party

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Appearance :

For the Petitioner : Mr. Rama Kant Sharma, Sr. Adv. with
Mr. Rajesh Kumar, Adv.
For the Opposite Party : Mr. Ajay Mishra, (L.O. I/C Vigilance)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 17-04-2019 Heard Mr. Rama Kant Sharma, learned Senior
Counsel assisted by Mr. Rajesh Kumar, Advocate, appearing on
behalf of the petitioner and Mr. Ajay Mishra, learned Additional
Public Prosecutor, appearing on behalf of the Vigilance.

Petitioner had earlier moved bail in Cr. Misc. No.
36956 of 2017, which was rejected by order, dated 28.11.2017.
Petitioner is languishing in judicial custody since 11.02.2017 in
connection with Special Case No. 11 of 2017 arising out of
Agamkuan P.S. Case No. 44 of 2017 for offences punishable
under Sections 419, 420, 467, 468 and 471/34 of the Indian
Penal Code, under Section 66(D) of the Information Technology
Act and under Sections 7, 8, 9 and 13(1) (a)(b)(e) read with
Section 13(2) of the Prevention of Corruption Act, 1988.

Learned Senior Counsel for the petitioner submits that
the petitioner was not named in the first information report



neither apprehended on spot nor there is any existence of evidence as to the participation of the petitioner in leakage of question paper, his name surfaced only on the confessional statement of the co-accused, Parmeshwar Ram, who was the Secretary of the Bihar Staff Selection Commission, before the police, which was taken under coercion for which he had filed a petition before the Vigilance Court. He, further, submits that even the details of SMS as evident from paragraph 62 of the case diary, i.e., the details of messages with Parmeshwar Ram, the co-accused of Bihar Staff Selection Commission related to Auxiliary Nursing Midwife (ANM) candidates and not with regard to candidates/examinees of Bihar Staff Selection Commission which were of prior to the date of intermediate level examination. He submits that he was a land broker and had sold a number of plots to Parmeshwar Ram near All India Institute of Medical Sciences, Patna. It is, further submitted that his conversation with co-accused, Aman Preet Singh Brar, who was a supplier of O.M.R. sheet, is also not true. The petitioner was neither the Government servant nor in any way related to the Bihar Staff Selection Commission intermediate level examination and the leakage of question paper thereto. He, further, submits that the petitioner is languishing in judicial



custody since more than two years and uptil now charges have not been framed, thus, trial has not made any headway.

Mr. Ajay Mishra, learned counsel for the State-Vigilance, submits that although the petitioner was not named in the first information report, but, during the course of investigation the complicity of the petitioner in the said examination scam of leaking question papers have come to surface, hence, the petitioner is not entitled to be enlarged on bail. He, further, submits that some of the co-accused, such as, Sudhir Kumar, Bipin Kumar had approached the Apex Court, who were also involved with the said leakage of question papers in the said examination, but, their bail application has been rejected by the Hon'ble Apex Court. He, further, refers to the order passed by the coordinate Bench of this Court while rejecting the bail application of other co-accused in the same leakage of question papers of the said examination being Cr. Misc. No. 44921 of 2018, dated 06.03.2019, wherein the coordinate Bench has directed the Special Judge, Vigilance, to expeditiously dispose of the miscellaneous petitions filed on behalf of the other accused for their discharge within one month and, thereafter, the Special Judge shall make efforts for expeditious conclusion of the trial by holding the trial on day-to-



day basis.

Considering the observation of the coordinate Bench,
the prayer for bail of the petitioner is **rejected**.

The Special Judge is directed to make efforts for
expeditious framing of charge within a period of three months
and conclude the trial within six months from the date of
framing of the charge. The Senior Superintendent of Police,
Patna, is also directed to take all measures to ensure the
attendance of the prosecution witnesses on each and every date
for expeditious conclusion of the trial.

If the trial is not concluded within a period of six
months from the date of framing of charge, the petitioner, if so
advised, may renew his prayer for bail.

(Nilu Agrawal, J)

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