

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10690 of 2019

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

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Parmeshwar Ram @ Prameshwar Ram, Aged about 60 years, Male, Son of
Late Gulab Chandra Ram, R/o village Bhagwat Nagar, Kumhrar, P.S.
Agamkuan, District Patna

... .. Petitioner/s

Versus

The State of Bihar through Vigilance.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nilesh Kumar

For the Opposite Party/s : Mr.Anjani Kumar (L.O.Inc. Vigilance)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 04-09-2019 Heard both sides.

Petitioner seeks bail in 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 and later on Section 120(B) of the Indian Penal
Code, 66(D) of the Information Technology Act as well as
Sections 7/8/9/13(1) (c) (d) and (e) read with Section 13(2) of
the Prevention of Corruption Act were added.

The gist of the allegation is that the informant got
secret information that in the house of Dinanath Singh situated
at Mohalla Kanti Factory Road, Mahatma Gandhi Nagar, Pawan
Kumar and Atul Ranjan Sinha were involved in getting
meritless candidates passed through the competitive



examination of Bihar Staff Selection Commission by adopting corrupt and illegal means. On such information, a raid was conducted and three persons, namely, Pawan Kumar, Bipin Kumar and Navneet Kumar were arrested. Many electronics gazettes, mobile phones etc. Were recovered and on their disclosure that they in collusion with Atul Ranjan Sinha, Gorelal @ Kaushik, Bhola @ Nitesh and others used to get question papers before commencement of the examination and they used to transmit the same through electronic gazettes to the candidates who had paid money to them and on such the case was instituted and investigation started. During the investigation, the names of the petitioner and others including the staff of Bihar Staff Selection Commission also transpired and it was found that they all were involved in getting the question paper leaked before commencement of examination.

Mr. Ajay Kumar Thakur, the learned counsel for the petitioner submits that the petitioner was the Secretary of Bihar Staff Selection Commission. The prayer for bail of the petitioner was earlier rejected by order dated 26.06.2018, passed in Cr. Misc. No.53383 of 2017 with an observation that if the trial is not concluded within six months, the petitioner may renew his prayer for bail. It is submitted that the petitioner has not moved



for grant of regular bail before the Hon'ble Supreme Court. Petitioner is in jail since 07.02.2017, petitioner has already remained in jail for more than 2½ years and on this ground one of the co-accused, namely, Ajay Kumar Kashyap, the employee of printing press entrusted with the printing of question papers, has already been granted bail. The only material against the petitioner is that petitioner being the Secretary of Bihar Staff Selection Commission had talked with many persons such as Md. Saddam, Anand Sharma, Avinash and Niti Ranjan. It is submitted that the trial is not likely to be concluded. The Special Judge in seisin of the case reported that at least two years would be taken to conclude the trial if the prosecution cooperates, therefore, the petitioner deserves bail.

Mr. Ajay Mishra, the learned APP, while opposing the prayer for bail of the petitioner submits that the petitioner being the Secretary of Bihar Staff Selection Commission was holding responsible post and to keep secrecy of examination and the affairs of examination but petitioner also indulged in leaking question papers to different candidates for his illegal gain. The petitioner being the Secretary of the Commission had access to the confidentiality of the examination along with the Chairman but he appears to be also the prime source of leakage of question



papers with other staff of Bihar Staff Selection Commission. Ample materials have been collected during the course of investigation and it was found that the petitioner had talked with many others and had also assured them for their selection and thus, petitioner does not deserve bail.

Perused the FIR. Petitioner is of course not named in the FIR but there appears that during the course of investigation, the investigating agency collected ample materials and also took out Call Details Report (CDR) of the mobile of the petitioner and it transpired that the petitioner had talk with many candidates and he was also involved in getting the candidates passed through in the competitive examination by using illegal means. There appears that the petitioner being the Secretary of Bihar Staff Selection Commission deeply involved in making the competitive examination mockery.

Having considered the facts aforesaid, I am not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail of the petitioner is rejected at this stage.

(Prabhat Kumar Jha, J)

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