

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15512 of 2019

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

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DINESH KUMAR YADAV S/o Bhuneshwar Yadav Resident of Village-
Baskhora, P.S.- Maouna, District- Supaul, presently C/o Ashok Nagar,
Mahendru Post Office, P.S.- Sultanganj, District- Patna.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH VIGILANCE, PATNA Bihar
2. The State of Bihar

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr. P. K. Shahi, Sr. Advocate
Mr. Harish Kumar, Advocate
For the Opposite Party/s : Mr. Ajay Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 06-09-2019 Heard learned Senior Counsel for the petitioner and
learned counsel representing the State.

The petitioner in this case is seeking regular bail in connection with Special Case No. 11 of 2017 arising out of Agamkuan P.S. Case No. 44 of 2017 registered for the offences punishable under Sections 419, 420, 467, 468, 471/34 of the Indian Penal Code.

Earlier regular bail of the petitioner was rejected by this Court vide order dated 10.08.2017 passed in Cr. Misc. No. 36281 of 2017.

While rejecting the prayer for regular bail, this Court has taken note of the submission of learned Additional Public Prosecutor for the State in following words:



“On the other hand, learned Additional Public Prosecutor for the State opposes the prayer for bail and has drawn my attention towards the facts and submissions noted in the impugned order referring the case diary. According to him, the learned Sessions Judge has taken note of the materials which have come in course of investigation. In para 139 of the case diary, a sum of Rs. 1,40,000/- in cash has been shown recovered from the house of the petitioner and the answer of the examination paper was found in the mobile phone of this petitioner. Further in para 13 of the case diary, from page 212 to 2015, the confessional statement of the petitioner before the Investigating officer has been recorded in which he has confessed his guilt. It has also come during investigation that this petitioner was in contact with the other accused persons of the case and they were doing setting work in the examination after taking huge money from the students. The confessional statement of co-accused Shilbhadra Gupta also indicates active participation of this petitioner and these facts have come in course of investigation.”

Mr. P. K. Shahi, learned Senior Counsel representing the petitioner has placed before this Court a copy of the order dated 10.07.2019 passed in Cr. Misc. No. 72651 of 2018 by a learned co-ordinate Bench of this Court. By the said order one Ajay Kumar



@ Ajay Kashyap who is employee of Confisec Pvt. Ltd. Printing Press and against whom there was allegation that he had taken the manuscript of question papers from the Chairman of the Bihar Staff Selection Commission and carried to the Printing Press, has been granted regular bail on the ground that he had been in jail for 2 and ½ years.

Learned Senior Counsel submits that since the learned co-ordinate Bench has created a bench mark of 2 and ½ years and the report received from the learned trial court shows that at least another five years will take in framing of charge and completion of prosecution evidence, the petitioner should be granted the same privilege of regular bail.

On the other hand, Mr. Mishra, learned counsel for the State has opposed the prayer of regular bail of the petitioner. Learned counsel submits that the same Hon'ble Judge who had granted bail to the co-accused Ajay Kumar @ Ajay Kaashyap has refused the prayer for bail of another co-accused Ajay Kumar vide order date 13.08.2019 passed in Cr. Misc. No. 22692 of 2019. It is submitted that the case of the petitioner is standing on similar footing with that of Ajya Kumar whose regular bail has been rejected by the learned co-ordinate Bench.

Having heard learned Senior Counsel and learned APP for the State, this Court finds that the allegations against this



petitioner are that he was in touch with the other accused persons of the case and they were doing setting work in the examination and were taking huge money from the students. Learned co-ordinate Bench while rejecting the prayer for regular bail of the co-accused Ajay Kumar on 13.08.2019 took note of the allegation against the said accused. The allegation against him was that he was actively participating in providing answer sheets to different candidates after commencement of the examination after realising huge amount from them. In addition to that, he had not completed 2 and ½ years in jail as yet.

In the given facts and circumstances of the case, where this Court finds that the allegation against the petitioner are serious in nature and he was involved in taking money from the students and the answers of the questions were found on his Whatsapp which were being distributed to others, this Court is not inclined to grant regular bail to the petitioner only on the ground of his custody of 2 and ½ years.

This application has no merit. It is dismissed.

Let the trial court expedite the trial of the case.

(Rajeev Ranjan Prasad, J)

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