

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16497 of 2019

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

PAWAN KUMAR, Aged about 26 years, Male, Son of Satyendra Kumar
Resident of Village- Machriyawan, P.S.- Fatua, District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar Through Vigilance

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Bhardwaj

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

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 13-08-2019 Heard Ms. Soni Srivastava, learned counsel for the
petitioner and Mr. Ajay Mishra, learned counsel for the Vigilance.

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, 34 of the Indian Penal
Code and later on Section 120B of the Indian Penal Code was
added and under Sections 7, 8, 9, 13(1)(c), (d), (e) read with 13(2)
of the Prevention of Corruption Act and Section 66B of the I.T.
Act.

The gist of the allegation is that the informant got secret
information that in the house of Deena Nath Singh situated at
Mohalla Kanti Factory Road, Mahatma Gandhi Nagar, Pawan
Kumar, the petitioner 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, the petitioner, 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 other accused persons 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.

Ms. Soni Srivastava, learned counsel for the petitioner submits that the petitioner is one of the persons, who was arrested from inside the room and bail of the petitioner was earlier rejected on 04.05.2018. It is further submitted that the petitioner was residing in the said house but the articles seized from the room belong to other persons. The petitioner has got no manner of concern. It is further submitted that the petitioner is in jail since 03.02.2017 and till date even charges have not been



framed. The Special Judge reported that at least two years more time will be taken for conclusion of the trial after framing of charge and, therefore, there is no chance of conclusion of trial and the petitioner has remained in jail during trial for more than two and half years. It is further submitted that one co-accused, namely, Ajay Kumar @ Ajay Kashyap has already been enlarged on bail vide order dated 10.07.2019, passed in Cr. Misc. No.72651 of 2018 on this ground alone that he was in jail for about two and half years and the report shows that the trial is not likely to be concluded but the case of the petitioner stands on different footing. Ajay Kumar @ Ajay Kashyap was the employee of printing press and against him there was only allegation that he carried manuscript of question papers from the Chairman of BSSC and handed over the same to the owner of the printing press but the involvement of the petitioner is apparent from the facts that the petitioner and other accused persons were in regular touch with the employees of BSSC and they got the question papers leaked before commencement of the examination and the petitioner and other accused persons used to transmit the same to different candidates from whom they had realized huge amount for getting them passed through by unfair means and arrange job through back doors in



government offices.

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

The trial court is directed to hold the trial on day to day basis and make all efforts to conclude the trial within six months from the date of receipt of this order. 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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