

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19801 of 2019

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

Manju Kumari, Aged about 35 years, Female, W/o Shri Awdhesh Kumar, Resident of South Gandhi Nagar, P.S. Sadar, District Hazaribagh (Jharkhand) at presently residing at Professors quarter No. 13, Saidpur, P.S. Bahadurpur, District Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The State of Bihar through Vigilance, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saket Tiwary
For the Opposite Party/s : Mr.Ajay Mishra

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.

Learned counsel for the petitioner submits that the petitioner was to appear at 3rd phase of examination held by the Bihar Staff Selection Commission but the same was cancelled. Petitioner is mother of two minor children. The husband of the petitioner is brother of the Chairman of Bihar Staff Selection Commission. The petitioner has not moved before the Hon'ble



Supreme Court and the petitioner being lady is in jail since 24.02.2017. It is further submitted that Ajay Kumar Kashyap who was employee of printing press, which was entrusted with the printing of question papers of the competitive examination, was granted bail. It is further submitted that the petitioner has also remained in jail for more than 2½ years and there is no likelihood of conclusion of trial as the Trial Judge has reported that the charges were not framed as yet on account of the fact that many petitions filed on behalf of the accused persons were still pending for disposal and thus the petitioner deserves bail.

Mr. Ajay Mishra, the learned APP opposed the prayer for bail and submitted that there are three sources of leakage of question and answer sheets. The first source was the Chairman and officials of Bihar Staff Selection Commission. Petitioner is wife of own brother of Chairman of Bihar Staff Selection Commission and there are ample materials on record to show that the petitioner obtained the manuscripts of question papers from the Chairman of Bihar Staff Selection Commission or from the place he left the question papers to be made available to his close relations such as the petitioner and nephews of the Chairman. It is further submitted that the petitioner after obtaining the manuscripts of questions for her own use got



involved in transmitting the question papers to the candidates of her choice after obtaining hefty amount and thereby there appears that the petitioner was the primary source of leakage of question papers and the case of the petitioner stands on different footing as that of Ajay Kumar Kashyap who was employee of the printing press.

Perused the records. The prayer for bail of the petitioner was earlier rejected by this Court vide order dated 06.12.2017, passed in Cr. Misc. No.22807 of 2017. It appears from perusal of the materials collected during the course of investigation that the petitioner being a close relative, wife of the brother of the Chairman of Bihar Staff Selection Commission, firstly obtained the question papers as she was also an appearing candidate but she fell in deep greed and she not only used the question papers for her own use but also circulated amongst the candidates who either paid or assured to pay her hefty amount in lieu of the question papers. On the face of it, it appears that the petitioner was primary source of leakage of question papers and petitioner in collusion with other by such leakage of question papers made the competitive examination held or to be held for appointment of different posts in different departments of Government of Bihar a mockery and gives



grooming pictures that entire competitive examination was fixed.

Taking into consideration 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.

(Prabhat Kumar Jha, J)

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