

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54147 of 2019

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

Nitin @ Nitin Kumar @ Sanoj Verma, Aged about 28 years, Male, Son of Baldeo Prasad, Resident of Village Gerandi, P.S. Akbarpur, District Nawada at present Flat No. 104, Block A Khelari Heritage, near leeds Asian School, Bishweshwaraiya Nagar, P.S. Danapur, District Patna.

... .. Petitioner/s

Versus

The State of Bihar through S.P. Vigilance, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Awadhesh Kumar

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

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 04-09-2019 Heard both sides.

Petitioner seeks bail in Vigilance Special Case No.11 of 2017, arising out of Agam Kuan P.S. Case No.44 of 2017, registered under Sections 419, 420, 467, 468, 471 and 34 of the Indian Penal Code. Later on Section 120(B) of the Indian Penal Code, Section 66(D) of the I.T. Act as well as Sections 7, 8, 9, 13(1) (c) (d) (e) read with Section 13(2) of the Prevention of Corruption Act were added.

Learned counsel for the petitioner submits that the petitioner is not named in the FIR. Name of the petitioner surfaced in the case during the course of investigation and it transpired that the petitioner took money from Vipul Kumar, Tiesh Kumar, Rakesh Kumar and Rahul Kishore who made their



statement under Section 164 Cr.P.C. and disclosed that they provided money to the petitioner for transmitting solved question papers on their mobiles during the course of examination but the mobiles were taken by the invigilator. Later on when they came out from the examination they saw on their WhatsApp the solved question papers of the examination. It is submitted that the CDR of the mobile of the petitioner was taken and this fact was not corroborated. It is further submitted that the petitioner is in jail since 09.02.2017 and petitioner has remained in jail for more than 2½ years. One Guddu Kumar and Ajay Kumar Kashyap have been granted bail but Dr. Ajay Mishra, the learned Special P.P., Vigilance submits that the case of the petitioner is quite different. The petitioner was also deeply involved in getting the question papers of the Bihar Staff Selection Commission and transmitting the solved question papers to different candidates after obtaining huge amount. Four candidates, Vipul Kumar, Tiesh Kumar, Rakesh Kumar and Rahul Kishore made their statement under Section 164 Cr.P.C. and disclosed this fact. The mobile of the petitioner was seized and on examination of the mobile by the FSL and CDR report, it transpired that the petitioner sent solved question papers to different candidates on their WhatsApp from his own mobile.



The petitioner appears to be also main player in the examination scam and he along with other accused persons in collusion with the staff of Bihar Staff Selection Commission got the question papers and provided solved question papers to many candidates after obtaining money from them. The case of the petitioner is on different footing against Guddu Kumar who is only said to have telephoned someone to get the solved question papers and Ajay Kumar Kashyap was the employee of printing press entrusted with the printing of question papers.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail of the petitioner is rejected.

(Prabhat Kumar Jha, J)

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