

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32422 of 2018

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

Niti Ranjan Pratap, S/o Late Sri Ram Pukar Singh, R/o Vill./Mohalla-Bishunpur, P.S.- Wazirganj, District- Gaya, Bihar, at present residing at Veena Vihar Apartment, Flat No.605, Block No.A, P.S. Rupaspur, 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.Manish Kumar No-2
For the Opposite Party/s : Mr.Sri Ajay Mishra

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

6 24-04-2019 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, 120B and 34 of the Indian Penal Code, under Section 66 D of the IT Act as well as under Sections 7, 8, 9, 13(1)(c)(d)(e) read with Section 13(2) of the Prevention of Corruption Act.

Learned counsel for the petitioner submits that the petitioner had earlier moved before this Court for grant of bail in Cr. Misc. No.27285 of 2017, which was dismissed on 06.12.2017. It is submitted that the petitioner is in jail for about two years and the trial has not yet begun. The petitioner has not



committed any offence rather he is a victim of circumstances. The petitioner was working as I.T. Manager in Bihar Staff Selection Commission (hereinafter referred to as 'the BSSC') and petitioner had no access to the confidential records particularly question and answer keys meant for holding competitive examination for appointment on Class III posts of different departments of Government of Bihar. The prayer for bail of the petitioner was earlier rejected but the observations made in the order passed in Cr. Misc. No.27285 of 2017 with regard to the petitioner is not substantiated by the materials collected during the course of investigation in the entire case diary. It is submitted that petitioner was not in possession of any question paper and as such no question arises for transmitting the same to anyone much less to any of his relatives. There is no allegation in the entire case diary that the petitioner transmitted the question papers to anyone or took any gratification from anyone. There is absolutely no material available in the case diary against the petitioner but his prayer for bail was earlier rejected. It is submitted that the petitioner also filed reply to the counter affidavit filed by the State. It is submitted that the prayer for bail of the petitioner was rejected on the ground that Avinash Kumar, the Data Entry Operator and Niti Ranjan



Pratap, the I.T. Manager, the petitioner were also involved in leaking the question papers of the question through Pawan Kumar, Navnit Kumar and Atul Ranjan Sinha. They used to send the answer sheets to the examinees. It is submitted that Pawan Kumar, Navnit Kumar and Atul Ranjan Sinha did not name the petitioner. It has not come that the petitioner was in contact with Pawan Kumar, Navnit Kumar and Atul Ranjan Sinha at any point of time. It is further submitted that even the prosecution has not come forward with allegation that the petitioner was found transmitting any question paper or answer keys to any person. The petitioner had contacted Anant Preet Singh Brar on phone. Anant Preet Singh Brar was the Director and authorized representative of M/s Sarvatra I.T. Services Pvt. Ltd., which was the I.T. vendor providing I.T. services, like, OMR Sheet designing/printing, examination related jammer and biometric services and absentee proforma etc. to BSSC. The OMR sheets etc. are not a confidential information rather it was regular and ordinary transaction and it would be evident also on perusal of documents including vouchers. The petitioner was authorized under the required rules to coordinate with I.T. vendors, according to the directions issued by the Additional Mission Director of Bihar Prashashnik Sudhar Mission. The



petitioner is said to have confessed his guilt but even in his confessional statements, petitioner did not confess that he was ever in possession of any question paper or answer keys. That is only assumption of S.I.T. that the petitioner was in direct contact with co-accused Ramesh @ Rameshwar and petitioner was on talking term with accused Avinash and Avinash was in contact with Rameshwar. Avinash was Data Entry Operator and he made call to Avinash on 21.07.2016 and 22.07.2016 about six months prior to the alleged leakage of the question paper. The petitioner being the I.T. Manager used to call Avinash who was the Data Entry Operator and working in the I.T. Cell under the supervision of the petitioner but there is no corroborative material to show that the petitioner had any hand in leakage of question papers, therefore, the petitioner be enlarged on bail.

Contending the submissions of the learned counsel for the petitioner, Mr. Ajay Mishra, the learned Additional Public Prosecutor submits that petitioner is of course not named in the FIR but during the course of investigation, the name of the petitioner surfaced in the case. Petitioner was working as I.T. Manager in the I.T. Cell of the BSSC. It is submitted that when the name of the petitioner surfaced during the course of investigation, the petitioner was interrogated and it has come



during the interrogation of Sri Sudhir Kumar, the then Chairman of BSSC that Anant Preet Singh Brar was in regular touch with the owner of the printer of question papers. Anant Preet Singh Brar was also in regular touch with Parmeshwar Ram, the Secretary of BSSC, Niti Ranjan Pratap, I.T. Manager, BSSC, the petitioner and Anand Sharma, a property dealer. Niti Ranjan Pratap was also interrogated and he disclosed that he came in contact with Ramesh @ Rameshwar through his junior staff, namely, Avinash and had assured to make the question paper and answer keys available to him. The petitioner had also disclosed this fact to Anant Preet Singh Brar. The CDR of the mobile number of the petitioner was examined by the FSL and it transpired that the petitioner was also in regular touch with other accused persons. The confessional statement of the petitioner is annexed as Annexure-4 to this bail petition in which the petitioner himself disclosed that how he came in contact with Vineet Kumar and others. He disclosed the facts to Avinash and Anant Preet Singh Brar who was in regular touch with Vineet Kumar, the printers of the question papers. Avinash Kumar also confessed his guilt. It is submitted that the entire investigation is based on circumstantial evidence and the scientific examination of the mobiles and other electronic gadgets seized during the



course of investigation on the basis of which the involvement of the petitioner was also found. It is further submitted that the prayer for bail of Sudhir Kumar, the Chairman of BSSC and Vineet Kumar, the owner of the printing company was earlier rejected by the Hon'ble Supreme Court. The prayer for bail of other accused persons, namely, Anand Sharma and Kaushlendra Kumar @ Kaushik @ Gorelal have been rejected by coordinate Benches of this Court on 17.04.2019 and 18.04.2019 vide order passed in Cr. Misc. No.11737 of 2019 and Cr. Misc. No.41023 of 2017. It is further submitted that prayer for bail of other similarly situated co-accused persons have been rejected vide order passed in Cr. Misc. Nos.53691 of 2017, 44921 of 2018, 23574 of 2018 and 37437 of 2018. It is submitted that from the material available on record, it transpired that some of the staff of the BSSC including the Chairman and the petitioner came in collusion with other accused persons and fixed the entire competitive examination and made the question paper and answer keys available to many candidates through their links in regular contact with others and petitioner is also one of the key members of the entire exam scam hence the petitioner does not deserve bail.

On consideration of the submissions of both sides and



on perusal of the records, it appears that some of the staff of BSSC and others ganged up and conspired to leak question paper and answer keys through different modes and transmit the same to the candidates of their choice after extorting money from them before the schedule of the examination and it appears that petitioner being the I.T. Manager is also one of the link of the chain who committed the examination scam for getting undesired and undeserving candidates through in the competitive examination and provided them jobs in different departments of the Government of Bihar by using unfair means.

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

(Prabhat Kumar Jha, J)

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