

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10165 of 2020

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

Pawan Kumar, aged about 27 years, Son of Satendra Kumar, Resident of Village Machharyawan, P.S. Fatuha, District Patna.

... .. Petitioner/s

Versus

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

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dilip Kumar

For the Opposite Party/s : Mr.Arvind Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 22-06-2020 Heard Mr. Dilip Kumar, the learned counsel for the petitioner, Mr. Ajay Mishra, the learned Additional P.P. for the SIT and the learned counsel appearing on behalf of the Vigilance through video conferencing.

The 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 66D of the Information Technology 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.

The prosecution case, in short, as alleged by Dharendra Kumar Singh, ASI of Agamkuan P.S., in his written report is that in the night of 03.02.2017, the informant got information that in the first floor of the house of Dina Nath Singh situated in Mohalla



Kanti Factory Road, Mahatma Gandhi Nagar, Pawan Kumar and Atul Ranjan Sinha were involved in a racket/scam for getting meritless candidates passed through in the competitive examination to be held by Bihar Staff Selection Commission (for brevity 'BSSC') for recruitment in different Muffasil offices, Government of Bihar by getting question and answer sheets and making them available to such candidates who had already paid hefty amount to Pawan Kumar, Atul Ranjan Sinha and their partners. On such information, a raid was conducted. Three persons, namely, Pawan Kumar, Bipin Kumar and Navnit Kumar were apprehended and they disclosed the names of Atul Ranjan Sinha, Gorelal @ Kaushik and Bhola @ Nitesh who were their partners in the scam for getting such candidates selected in the competitive examination. On search, electronic devices, such as bluetooth, mobile phones, laptop, printer, ATM cards and cash were recovered. They disclosed that they used to get the answer sheets prior to commencement of the competitive examination and transmit the same to the candidates, who had paid to them Rs.6,00,000/-, through electronic gazettes before commencement of the examination.

Mr. Dilip Kumar, the learned counsel for the petitioner submits that the prayer for bail of the petitioner was twice rejected vide order dated 04.05.2018 and 13.08.2019, passed in Cr. Misc.



No.53722 of 2017 and Cr. Misc. No.16497 of 2019 respectively. It is submitted that the petitioner is a student. The petitioner is in custody since 04.02.2017. The trial is not likely to be concluded in near future. The petitioner was of course apprehended along with two other accused persons from a room on the accusation that the petitioner and other accused persons were involved in leaking the question of competitive examination held by BSSC for appointment on different posts in the different government departments but the petitioner is not involved in the case. It is submitted that the mobile of the petitioner was not sealed at the time of seizure and, therefore, the Investigating Officer manipulated and manufactured the call detail report showing that the petitioner talked with other accused persons. The co-accused, namely, Kaushal Singh @ Kaushal Kishore was granted bail vide order dated 22.11.2019, passed in Cr. Misc. No.70260 of 2019. Anand Sharma was granted bail on 01.10.2019 vide order passed in Cr. Misc. No.51573 of 2019. Co-accused Guddu Kumar and Anantpreet Singh Brar were granted bail vide order passed in Cr. Misc. No.47740 of 2019 and Cr. Misc. No.30399 of 2019 on 13.08.2019 and 17.08.2019 respectively. Ajay Kumar @ Ajay Kashyap, who was the Manager of the printing press, was granted bail vide order dated 10.07.2019, passed in Cr. Misc. No.72651 of 2018. Kaushlendra Kumar @ Kaushik @ Gorelal was granted bail



vide order dated 17.01.2020, passed in Cr. Misc. No.55077 of 2019. Hence, the petitioner may also be enlarged on bail.

Mr. Ajay Mishra, the learned Additional P.P. appearing on behalf of the SIT and the learned counsel for the Vigilance opposed the prayer for bail of the petitioner and submitted that the petitioner was apprehended on the spot along with Bipin Kumar and Navnit Kumar and from the room, all incriminating materials electronic gazettes etc. were recovered which shows that the petitioner and other accused persons were deeply involved in the exam scam and in getting the undeserved candidates into service by leaking the question papers and answer sheets of the competitive examination to be held by BSSC. The petitioner disclosed in his statement before the police that it was Avinash Kumar who had assured him to supply question papers and answer sheets. The mobile phone of the petitioner was examined by FSL and it transpired that the petitioner was involved in leaking question papers and transmitting answer sheets to the examinees with the help of the staff of BSSC and other gang members including the Director and staff of AVN School.

Perused the records. The petitioner was apprehended on the spot inside the room along with Bipin Kumar and Navnit Kumar from where the accused persons were operating for transmitting question paper and answer sheets of the competitive



examination to be held on different dates by the BSSC for appointment on different posts in different departments of the Government of Bihar. The mobile of the petitioner and other electronic articles were examined by the FSL and it transpired that the petitioner, Pawan Kumar was in regular touch with other persons of the gang, staff of BSSC and Avinash Kumar, the Date Entry Operator. Prayer for bail of other accused persons such as Bipin Kumar who was apprehended along with the petitioner inside the room, the Chairman of BSSC has also been rejected by the Hon'ble Apex Court. From perusal of the case diary, call detail report and the report of FSL after examination of Whatsapp messages, it transpired that all the accused persons were deeply involved in competitive examination scam.

Taking into consideration 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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