

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15561 of 2020

Arising out of PS. Case No.-3 Year-2020 Thana- NIMACHANDPURA District- Begusarai

Dinesh Sahni, Male, aged about 58 years, Son of Late Raghuvir Sahni
Resident of Village - Chandpura, Ward No. 7, P.S.- Nima Chandpura, Distt -
Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate
	:	Mr. Prem Chand Yadav, Advocate
For the Opposite Party/s	:	Mr. Amit Kumar Rakesh, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL ORDER

3 03-07-2020 The matter has been heard *via* video conferencing
due to circumstances prevailing on account of the COVID-19
pandemic.

2. Heard Mr. Yogesh Chandra Verma, learned senior
counsel along with Mr. Prem Chand Yadav, learned counsel, for
the petitioner and Mr. Amit Kumar Rakesh, learned Additional
Public Prosecutor (hereinafter referred to as the ‘APP’) for the
State.

3. The petitioner is in custody in connection with
Neemchandpura P.S. Case No. 03 of 2020 dated 11.01.2020,
instituted under Sections 420 and 120(B) of the Indian Penal
Code.

4. The allegation against the petitioner is that he used



to manage candidates to qualify in various competitive examinations for securing job in Government Institutions.

5. Learned counsel for the petitioner submitted that there is only bald allegation against the petitioner without anyone having come forward alleging that he had given money on the promise of being made to clear any competitive examination for getting job. It was further submitted that Sections 420 and 120B of the Indian Penal Code are not applicable in the facts and circumstances of the present case for the reason that the Courts have interpreted the requirement for charging a person under such sections and it has been held that where there is an agreement for any illegal act, which in the present case is managing jobs, such act itself being illegal, the agreement itself is *void ab initio*. For such proposition, learned counsel relied upon the decisions in **Vijay Sharma and Anr. vs. State of Bihar [2011 (1) PLJR 780]** and **Ashutosh Mishra @ Chhote Mishra and Anr. vs. State of Bihar and Anr. [2017 (3) PLJR 152]**, the relevant being at paragraph no. 8. Learned counsel submitted that the petitioner is in custody since 13.01.2020 having no other criminal antecedent. It was submitted that a witness, Dhananjay Kumar has given his statement to the police that he had taken loan from the petitioner



by giving bond of his land and had thereafter returned the money by crediting Rs. 2,00,000/- into the account of the petitioner.

6. Learned APP, from the case diary, submitted that the petitioner was the person who had taken huge amount of money from many persons and was operating on an all India level and managing the candidates who gave him money to compete in the examinations conducted for recruitment under the Railways and other government organizations. It was submitted that the said activity of the petitioner extended to many states of India and various organizations. Learned counsel submitted that the police has recovered two diaries from the petitioner which discloses the names of the candidates, the amount of money taken from them for the said purpose with details of the centres also. It was submitted that the same is corroborated from the transactions made in the account of the petitioner. Learned counsel submitted that the decisions relied by learned counsel for the petitioner would not apply in the facts and circumstances of the present case as it is not a case where the person who is said to have given the money has been charged. It was submitted that the Court, for the purpose of considering grant of bail may take into note the allegation



against the accused, which in the present case is that through unfair means jobs in government organizations were being provided to persons, devoid of merit, for monetary considerations, in a totally illegal manner. It was submitted that the exact names and amount of transaction and the examinations concerned, details of which were noted in the diaries being recovered from the petitioner, which stand corroborated by the transactions in his bank account, leaves no doubt that he is the person organizing such activity, which is against national interest also as meritorious and deserving candidates were deprived of jobs because of such illegal activities and manipulation on the part of the petitioner. It was submitted that only one witness has stated with regard to re-payment of mortgaged amount, however, the same is only by way of creating defence without there being evidentiary material coming and further there is no explanation with regard to many other transactions and the various names written in the diary at all India level which are real and not fictitious.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court finds substance in the contention of learned APP. Accordingly, the Court is not inclined to enlarge the petitioner



on bail.

8. The application stands dismissed.

(Ahsanuddin Amanullah, J)

Vikash/-

U		T	
---	--	---	--

