

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25841 of 2019

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

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Bhola @ Nitesh @ Nitesh Kumar, aged about 27 years, Male, Son of Sri Murat Lal Singh, Resident of Village Chandura, Police Station Punpun, District Patna, at present residing at Bahadurpur Housing Colony, MIG, Sector-3, Block-II, Flat No. 18, P.S. Agamkuan, District Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Superintendent of Police, Vigilance Investigation Bureau, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ram Naresh Ray
For the Opposite Party/s : Mr.Ajay Mishra

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

7 19-02-2020 Heard learned counsel for the petitioner and Mr. Ajay Mishra, the learned Additional Public Prosecutor.

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, 471/34 of the Indian Penal Code. Later on Sections 120B of the Indian Penal Code, Section 66(B) of the I.T. Act and Sections 7, 8, 9, 13(i) (a) (d) (e) read with 13(3) of the Prevention of Corruption Act were also added.

The gist of the allegation is that the informant got secret information that in the house of Deena Nath 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 electronic 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 course of investigation, the name of the petitioner including the staff of Bihar Staff Selection Commission transpired and it was found that they all were involved in getting the question paper leaked before commencement of the examination.

Learned counsel for the petitioner submits that three persons, namely, Pawan Kumar, Bipin Kumar and Navneet Kumar were arrested and they disclosed the name of Atul Ranjan Sinha, Gorelal @ Kaushik, Bhola @ Nitesh @ Nitesh Kumar, the petitioner, and found the involvement of the



petitioner in the exam scam. The apprehended accused disclosed different mobile numbers of the petitioner but the Investigating Officer did not obtain the customer application identity form and call details in order to substantiate the allegation. The police took the confessional statement of the petitioner. The petitioner is in jail since 21.06.2017. Gorelal @ Kaushik, whose name was also disclosed by apprehended accused, has already been granted bail on the ground that he remained in jail for substantive period and there is no chance of trial being concluded in near future. The case of the petitioner also stands on the same footing. Other accused persons have also been granted bail by a co-ordinate Bench of this Court vide order dated 17.01.2020, passed in Cr. Misc. No.55077 of 2019.

Mr. Ajay Mishra, the learned Additional Public Prosecutor opposed the prayer for bail.

From perusal of the record, it appears that the name of the petitioner figured in the case from the mouth of the accused persons apprehended inside the room from where they were operating for getting the question papers before commencement of the examination and for transmitting the same to the candidates from whom they obtained money but it appears that similarly situated co-accused, namely, Gorelal @ Kaushik,



whose name also transpired from mouth of the co-accused, who were apprehended on the spot with different incriminating articles and electronics gazettes, has already been granted bail by a co-ordinate Bench of this Court. The petitioner is in jail since 21.06.2017. The petitioner has remained in jail for two years and eight months. The trial is not likely to be concluded in near future as the charges have not yet been framed.

Considering the facts aforesaid, the petitioner, namely, Bhola @ Nitesh @ Nitesh Kumar is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Vigilance 1st, Patna in connection with Special Case No.11 of 2017, arising out of Agamkuan P.S. Case No.44 of 2017.

(Prabhat Kumar Jha, J)

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