

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32419 of 2018

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

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Dinesh Kumar Azad @ Dineshwar Azad @ Dineshwar Paswan, Son of Shri Sita Ram Paswan, Resident of Mohalla New Atwarpur Dhalaiya Road, P.S. Parsa Bazar, District Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Vigilance, Bihar, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Anurag Pandey, Advocate
For the State	:	Mr. Ajay Mishra, APP
For the Vigilance	:	Mr. Rana Vikram Singh, Spl. P.P., Vigilance

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

14 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 and 120B of the Indian Penal Code, under Section 66D of the I.T. Act and Sections 7, 8, 9 13(i) (c) (d) read with Section 13(2) of the Prevention of Corruption Act.

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 the prayer for bail of the petitioner was earlier rejected by this Court vide order dated 06.12.2017, passed in Cr. Misc. No.33259 of 2017. The petitioner is not named in the FIR. The name of the petitioner surfaced in the case in the confessional statement of the co-accused. The petitioner is an employee of General



Insurance Company. One Alok Ranjan firstly confessed his guilt and disclosed the name of the petitioner but no incriminating article was recovered from possession of the petitioner to show that the petitioner leaked the question paper. There is nothing on record to show that the petitioner received any money from any candidate to get him passed through the examination by making available the answer sheets before commencement of the examination. The petitioner is in custody since 27.04.2017, but till date charges have not yet been framed. The petitioner has remained in jail for about three years. It is further submitted that similarly situated other accused persons, namely, Guddu Kumar, Kaushal Singh and Kaushlendra Kumar @ Kaushik @ Gorelal have been granted bail by different Benches of this Court. The case of the petitioner stands almost on the same footing.

Mr. Ajay Mishra, the learned Additional Public Prosecutor opposed the prayer for bail and submitted that there is sufficient material to show the involvement of the petitioner in exam scam.

Perused the records. The petitioner is of course not named in the FIR but the name of the petitioner surfaced in the case during the investigation and it transpired that the petitioner also played role in Bihar Staff Selection Commission



Examination scam. The petitioner is in jail since 27.04.2017. The petitioner has already remained in jail for about three years. Similarly situated other accused persons have already been granted bail on the basis of the period already remained in jail. There is no chance of conclusion of trial in the near future as the charges have not yet been framed.

Considering the facts aforesaid, the petitioner, namely, Dinesh Kumar Azad @ Dineshwar Azad @ Dineshwar Paswan 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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