

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51186 of 2019

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

Niti Ranjan Pratap, Male, Aged about 40 years, Son of Late Sri Ram Pukar Singh, Resident of Village/Mohalla Bishunpur, P.S. Wazirganj, District Gaya, Bihar.

... .. Petitioner/s

Versus

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

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh
For the Opposite Party/s : Mr.Ajay Mishra

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 19-02-2020 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 66D of the I.T. 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. The petitioner again moved this Court for grant of bail in Cr. Misc. No.32422 of 2018, which was also dismissed



on 24.04.2019. It is submitted that the petitioner is in jail since 24.02.2017. The petitioner has not committed any offence rather he is a victim of circumstance. The petitioner was working as I.T. Manager in Bihar Staff Selection Commission and he had no access to the confidential records particularly question papers and answer keys meant for holding competitive examination for appointment on Class III posts in different departments of Government of Bihar. It is submitted that the 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 absolutely no material available in the case diary against the petitioner. It is also 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 through Pawan Kumar, Navneet Kumar and Atul Ranjan Sinha. They used to send the answer sheets to the examinees. It is submitted that Pawan Kumar, Navneet Kumar and Atul Ranjan Sinha did not name the petitioner. 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 Bihar Staff Selection Commission. 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 the confessional statements, the petitioner did not confess that he was ever in possession of any question paper or answer keys. 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. It is also submitted that the trial has not yet been concluded and the petitioner is in custody for about three years, therefore, the petitioner deserves bail.

The learned Additional Public Prosecutor vehemently opposed the prayer for bail of the petitioner.

Having considered the submissions of both sides and on perusal of the records, it appears that some of the staff of Bihar Staff Selection Commission and others ganged up and



conspired to leak question papers 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 the 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.

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

The petitioner may renew his prayer for bail after six months, if the trial is not concluded.

(Prabhat Kumar Jha, J)

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