

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58315 of 2019

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

Omprakash Gupta @ Om Prakash Gupta, Male, Aged about 32 years, Son of Ganesh Prasad Gupta, Resident of Village/Mohalla Pathra, P.S. Guraru, District Gaya, Bihar, Presently at Mohalla East Ashok Nagar, Road No.14, Tenant in the house of Rajendra Prasad, P.S. Kankerbagh, District Patna, Bihar.

... .. Petitioner/s

Versus

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

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Avinash Kumar Singh, Advocate
For the SIT	:	Mr. Ajay Mishra, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

6 22-06-2020 Heard Mr. Avinash Kumar Singh, 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 Dhirendra 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.

Learned counsel for the petitioner submits that the prayer for bail of the petitioner was earlier rejected vide order dated 06.12.2017, passed in Cr. Misc. No.31100 of 2017. The petitioner is not named in the FIR. The name of the petitioner transpired during the course of investigation on the basis of confessional statement of co-accused. The Investigating Officer seized the mobile phone of the petitioner and found that the petitioner shot the images of leaked questions after receiving the same but when the mobile of the petitioner was sent to FSL for examination, no incriminating material was found in the data of the mobile of the petitioner. The petitioner is a student and he was aspirant of Inter level exam held by the BSSC of which the question paper is alleged to have been leaked. The aforesaid examination was cancelled. The petitioner was acquainted with Ramesh @ Rameshwar during the course of preparation for competitive examination and the petitioner had talked with Ramesh @ Rameshwar but there is no material to show that the petitioner transmitted any question paper or answer sheet to any examinee after realizing any amount from any of the examinees. 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. The petitioner is in jail since 12.02.2017.

Mr. Ajay Mishra, the learned Additional P.P. for the SIT and the learned counsel for the Vigilance opposed the prayer for bail of the petitioner and submitted that the petitioner was also one of the examinees who got question papers and answer sheets from Ramesh @ Rameshwar.

From perusal of the records, I find that the petitioner is also an examinee and he was in touch with Ramesh @ Rameshwar who was running a coaching institute but it has nowhere come that the petitioner transmitted any question paper and answer sheet to any other examinee. The petitioner is in jail since 12.02.2017. The petitioner has already remained in jail for



more than three years and many other accused persons, similarly situated, have been granted bail.

Taking into consideration the facts aforesaid, petitioner, namely, Omprakash Gupta @ Om Prakash Gupta is directed to be enlarged 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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