

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55363 of 2019

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

Atal Bihari Rai, Male, aged about 39 years, Son of Ganesh Rai, Resident of Village Barakagaon Mansingh Patti, P.S. Industrial Buxar, District Buxar, A/p resident of Chanrahas Pathakji Ka Makan, Babuganj, Rafiganj, P.S. Rafiganj, District Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar through Vigilance Department, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Rama Kant Prasad Singh, Advocate
For the SIT : Mr. Ajay Mishra, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

7 22-06-2020 Heard Mr. Rama Kant Prasad 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 Dharendra 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.



Mr. Rama Kant Prasad Singh, the 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.32127 of 2017. It is submitted that the petitioner is not named in the FIR. On the basis of the secret information, Dharendra Kumar Singh, S.I. of Agamkuan P.S., raided the house of Dina Nath Singh and apprehended Pawan Kumar, Bipin Kumar and Navnit Kumar but they did not disclose the name of the petitioner. The petitioner since 20.06.2014 was working as Math teacher in Balik High School, Rafiganj. The petitioner was never a teacher in the AVN School. The petitioner always put his signature in Balika High School, Rafiganj and he was never present in AVN School, Rajiv Nagar. The police apprehended the petitioner from his rented house and seized Admit Card of one Vijay Kumar but Vijay Kumar was never examined either under Section 161 Cr.P.C. or under Section 164 Cr.P.C. The petitioner was illegally arrested and the police took the confessional statement of the petitioner. The confessional statement has got no evidentiary value but by coercion the police obtained the signature of the petitioner on the confessional statement. The petitioner is said to have disclosed mobile numbers in his confessional statement but the mobile



numbers do not belong to the petitioner or his family members. The petitioner filed a petition before the learned Special Judge to direct the prosecution to disclose who was the owner of the aforesaid mobile numbers. The learned Special Judge, Vigilance also called for a report from the SIT and Shri Rajesh Kumar, Additional S.P., Danapur sent the reply but did not disclose about the owners of the mobile numbers said to have been disclosed by the petitioner. The Magistrates were deputed at the examination centre. Photograph of the examination centre was taken on 29.01.2017 and 05.02.2017 but no photographs was produced. The petitioner was taken into custody on 11.02.2017 from Rafiganj. The co-accused, namely, Ajay Kumar @ Ajay Kashyap was granted bail vide order dated 10.07.2019, passed in Cr. Misc. No.72651 of 2018. The case of the petitioner stands on the same footing. The petitioner is in jail for more than three years.

Mr. Ajay Mishra, the learned Additional P.P. for the SIT and the learned counsel for the Vigilance vehemently opposed the prayer for bail of the petitioner and submitted that the first point of leaking the question was the staff including the Chairman of the BSSC. The second point of leaking the question was AVN School where the centre for examination was



fixed. Atal Bihari Rai, the petitioner, Ram Sumer Singh, the Centre Superintendent of AVN School, Rameshwar Singh and others are said to have taken the photographs of question papers half an hour before commencement of examination and they used to transmit the same question papers to different persons to get the answer sheets. The teachers and other officials were indulged by using unfair means for getting undesired candidates selected by supplying correct answers to them after getting huge amount from them, therefore, the petitioner does not deserve bail. It is further submitted that the prayer for bail of Ramashish Singh and Ram Sumer Singh has already been rejected. The case of the petitioner stands on the same footing. The petitioner was also a teacher in the school and from the materials on record, collected during the course of investigation, it transpired that the petitioner was equally involved along with Ram Sumer Singh and Ramashish Singh.

Perused the records. From the records, it appears that of course the petitioner is not named in the FIR but it transpired that the petitioner was a teacher in AVN School, Rajiv Nagar. Ramashish Singh was the Director of the school and Ram Sumer Singh was the Centre Superintendent. Ramashish Singh used to get the centre of competitive examination fixed in his



school. It has come during the course of investigation that the Director and other staff of the school used to photograph the question papers half an hour before commencement of the examination and get the answer sheets after transmitting the same to his own persons. After getting the answer sheets, they used to transmit the same to the candidates/examinees from whom they had realized huge amount. There are sufficient material to show that the petitioner and other staff of AVN School are involved in a exam scam and they have destroyed the sanctity of examination for their own gain and also destroyed the future of meritorious and deserving candidates by taking recourse to such unfair means in order to get the undeserving students selected.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail of the petitioner is rejected.

(Prabhat Kumar Jha, J)

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