

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53402 of 2019

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

Ramsumer Singh @ Ramsunder Singh, aged about 46 years, Male, Son of Late Subray Singh, Resident of Village Chakan Bigha, P.S. Barun, District Aurangabad, at present residing at Rajiv Nagar, Road No. 9, In the House of Hirday Rai, P.S. Rajiv Nagar, District Patna.

... .. Petitioner/s

Versus

The State of Bihar through the Principle Secretary, Department. of Cabinet (Vigilance Investigation Bureau), Government of Bihar, Patna.

... .. Opposite Party/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 22-06-2020 Heard Mr. Navendu Kumar, 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. Navendu Kumar, 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.33675 of 2017 and thereafter the petitioner neither moved this Court nor moved before the Hon'ble Supreme Court. It is further submitted that the petitioner was an Assistant/Clerk in AVN School and on the date of examination on 05.02.2019, for the first time, the petitioner was made Centre Superintendent as the person who was doing the work of Centre Superintendent was on leave. The petitioner has falsely been implicated at the instance of illegal nexus of police officials and other persons and it is alleged that the petitioner provided question paper to one Atal Bihari Rai for transmitting the same with an object to get the answer sheets. It is further submitted that Atal Bihari Rai had met the petitioner in AVN School on 04.02.2017 and paid Rs.50,000/-. The tower location of the mobile of the petitioner was found around Ram Nagari Mor. On the basis of the technical evidences, the petitioner is shown to be in regular touch with Atal Bihari Rai, Rishidev Singh, Gauri Shankar Singh and Mukesh Kumar who were found in touch with the petitioner before commencement of the examination. Rishidev



Singh also disclosed that he paid 70% of Rs.1,50,000/- to the petitioner from one candidate, namely, Pappu @ Pappu Kumar. It is submitted that Alok Ranjan, Nitin Kumar @ Sanoj Verma and Ramashish Singh also disclosed the name of the petitioner as their partners in the scam. It is further submitted that the confessional statement before the police has got no evidentiary value and the technical evidences such as tower location of the mobile of the petitioner has got no relevancy as the petitioner was also near AVN School because the petitioner was an employee of AVN School. The 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. Hence, the petitioner also deserves to



be enlarged on bail.

Mr. Ajay Mishra, the learned Additional P.P. for the SIT and the learned counsel appearing on behalf of the Vigilance vehemently opposed the prayer for bail of the petitioner and submitted that the petitioner was the Centre Superintendent of AVN School. The petitioner happens to be the relative of the Director of AVN School and there is ample material to show that the petitioner was deeply involved in the scam. He along with Ramashish Singh, the Director of AVN School, used to photograph the question papers before commencement of the examination and transmit the same to different persons for getting answer sheets. Thereafter the petitioner and others used to make the same answer sheets available to the candidates of their choice appearing in the examination. It is further submitted that the petitioner is also accused in a case of similar nature being Special Case No.01/2017, arising out of CBI/ACB/Patna P.S. Case No.RC0232016A0022 of 2016, registered under Sections 120(B), 420, 467, 468 and 471 of the Indian Penal Code and under Section 13(2) read with 13(1)(d) of the Prevention of Corruption Act. Ramashish Singh is also accused in the aforesaid case along with the petitioner and this fact also shows



that the petitioner and others are involved in the racket of leaking the question papers.

Perused the FIR and the materials available on record. Admittedly the petitioner is the staff of AVN School and he was the Centre Superintendent on the date of examination. It appears from the records that Ramashish Singh is close relative of the petitioner. Ramashish Singh and the petitioner along with other staff of AVN School used to obtain photographs of the question papers and transmit the same to others for getting answer sheets. After getting answer sheets it is alleged that the petitioner and other staff of the AVN School made the same available to the candidates of their choice from whom they had realized money. It transpired during the course of investigation that another source of leakage of question paper was AVN School. The Director and other school teachers including the petitioner were found involved in getting the answer sheets and making the same available to the candidates of their choice. The petitioner is also an accused in a case registered by the CBI for the same nature of offence. The petitioner and other accused persons have made the competitive examination mockery and they have destroyed the future of the meritorious candidates, who deserve to be selected, by using such unfair means of making the



question paper and answer sheets available to the candidates of their choice. The offence is of very serious nature as the future of thousands of competent and meritorious students, who deserve to be selected, have been destroyed.

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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