

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54034 of 2019

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

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Gauri Shankar Singh, Aged about 38 years, Male, Son of Chandrika Prasad Singh, Resident of Mohalla Rajeev Nagar, Road No.16, House No.1, P.S. Rajeev Nagar, District Patna.

... .. Petitioner/s

Versus

The State of Bihar through the Vigilance.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Krishna Chandra

For the Opposite Party/s : Mr.Anjani Kumar (L.O.Inc.Vigi)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 19-02-2020 Heard both sides.

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 34 of the Indian Penal Code, Section 66D of the I.T. Act as well as under Sections 7, 8, 9, 13(i)(a)(d)(e) read with Section 13(2) of the Prevention of Corruption Act.

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.35081 of 2017 and by order dated 19.09.2018, passed in Cr. Misc. No.49149 of 2018. The petitioner is not named in the FIR. The name of the petitioner figured in the case during the course of



investigation on the basis of confessional statement of co-accused persons but no direct evidence has been collected to show the involvement of the petitioner. The petitioner was a teacher in A.V.N. School but he was also a candidate of examination to be held by Bihar Staff Selection Commission in the year 2017. The examination centre of the petitioner was at Bettiah. The petitioner left Patna on 04.02.2017 and returned to Patna on 08.02.2017 after appearing at the examination held on 05.02.2017. On 08.02.2017 the Special Task Force, constituted to investigate the scam, apprehended the petitioner and seized Admit Card and mobile set of the petitioner being SIM No. 9507793165. It is further submitted that two fold accusations are made against the petitioner. It is alleged that the petitioner being teacher of A.V.N. School knew the facts that question papers for the examination to be held on 29.01.2017 was photographed by Ram Sumer Singh, Ram Ashish Singh, Atal Bihari and others and the question papers and answer sheets were circulated amongst the candidates through electronic devices. The petitioner was in regular touch with the accused persons, but there is no tangible evidence. The box containing question papers was opened in presence of Zonal Magistrate 15 minutes before commencement of the examination and there is no



material against the petitioner hence, the petitioner, who is in custody since 11.02.2017, be enlarged on bail.

The learned Additional Public Prosecutor opposed the prayer for bail.

Perused the records. The petitioner is certainly not named in the FIR. During the course of raid, three persons, namely, Bipin, Navneet and Pawan Kumar were apprehended. Many incriminating articles showing their involvement in the scam of leaking question papers and answer sheets amongst the examinees were recovered. During the course of investigation, it transpired that Director, Principal and Teachers of A.V.N. School where the examination centre was fixed are also involved. The petitioner being a teacher of A.V.N. School was arrested along with other staffs, namely, Ram Sumer Singh, Ram Ashish Singh and others and their mobile and other electronic gazettes were seized. It has come that they were in regular touch with each other and they transmitted the question papers and answer sheets through electronic devices to different candidates before schedule of the examination. It also transpired that the petitioner and other such accused persons had hijacked the entire examination conducted by Bihar Staff Selection Commission and they obtained the question papers before



schedule of the examination with the help of staff of Bihar Staff Selection Commission and also took photographs of the question papers from the A.V.N. School and transmitted to different examinees after realizing good money from them so that such examinees may get good marks in the competitive examination in order to be selected for appointment. There is sufficient material to show the involvement of the petitioner in the scam which deprived the meritorious citizens of Bihar from getting job.

Considering the facts and nature of allegations made against the petitioner, 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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