

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57671 of 2019

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

Mukesh Kumar, Aged about 34 years, Male, Son of Mahabir Rajak, Resident of Mohalla Kurji, Magadh Colony, Bhagora Aashram, P.S. Digha, District Patna.

... .. Petitioner/s

Versus

The State of Bihar, through the S.P., Vigilance, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Awadhesh Kumar

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

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 19-02-2020 Heard learned counsel for the petitioner and Mr. Ajay Mishra, the learned Additional Public Prosecutor.

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, 471/34 of the Indian Penal Code, under Section 66D of the I.T. Act and Sections 7, 8, 9, 13(i) (a) (d) (e) read with 13(2) of the Prevention of Corruption Act.

The gist of the allegation is that the informant got secret information that in the house of Deena Nath Singh, situated at Mohalla Kanti Factory Road, Mahatma Gandhi Nagar, Pawan Kumar and Atul Ranjan Sinha were involved in getting meritless candidates passed through the competitive examination of Bihar Staff Selection Commission by adopting corrupt and illegal means. On such information, a raid was conducted and three persons, namely, Pawan Kumar, Bipin Kumar and Navneet Kumar were



arrested. Many electronic gazettes, mobile phones etc. were recovered and on their disclosure that they in collusion with Atul Ranjan Sinha, Gorelal @ Kaushik, Bhola @ Nitesh and others used to get question papers before commencement of the examination and they used to transmit the same through electronic gazettes to the candidates who had paid money to them and on such the case was instituted and investigation started. During the course of investigation, the name of the petitioner including the staff of Bihar Staff Selection Commission transpired and it was found that they all were involved in getting the question paper leaked before commencement of the examination.

Learned counsel for the petitioner submits that the petitioner is not named in the FIR. Name of the petitioner surfaced in the case during the course of investigation in the confessional statement of Atal Bihari Rai. Save and except the confessional statement of co-accused, there is no tangible material against the petitioner. It transpired during the course of investigation that the petitioner had also talked with Ram Sumer Singh and Gauri Shankar, teachers of A.V.N. School. It is further submitted that the petitioner is in custody since 12.02.2017 and many other accused persons such as Guddu Kumar, Kaushal Singh and Kaushlendra Kumar @ Kaushik @ Gorelal have been granted bail by different Benches of this Court. There is no chance of trial being concluded



in near future.

Mr. Ajay Mishra, the learned Additional Public Prosecutor opposed the prayer for bail.

Perused the records. Of course it has come during the course of investigation that the petitioner being an employee of A.V.N. School was in regular touch with other accused persons before commencement of the examination but it appears that the petitioner has remained in jail for more than three years and the trial is not likely to be concluded in near future since the charges have not yet been framed. Similarly situated other accused persons have already been granted bail by different Benches of this Court.

Considering the facts aforesaid, the petitioner, namely, Mukesh Kumar is directed to be released 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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