

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57909 of 2019

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

=====

ALOK RANAJAN @ ALOK RANJAN Son of Umesh Prasad Singh,
Resident of Village - Jatdumari, P.S.- Punpun, Distt - Patna at present renter in
the house of late Vishwanath Prasad, Mithapur, P.S.- Jakkanpur, Distt - Patna.
... .. Petitioner/s

Versus

1. The State of Bihar
2. The Vigilance Department, Bihar, Patna through its S.P. Vigilance Patna.
Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Advocate Mr. Vijay Anand, Advocate
For the Opposite Party/s	:	Mr. Ajay Mishra, Mr. Anil Singh, Advocates

=====

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

The proceedings of the Court are being conducted through Video
Conferencing and the Advocates joined the proceedings through Video
Conferencing from their residence.

16 12-10-2020 Heard learned counsel for the petitioner and learned

counsel for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections
419/420/467/468/471/120B/34 of the Indian Penal Code,
Section 66(D) of I.T. Act and Sections 7/8/9/13(1)(c)(d) r/w
Section 13(2) of P.C. Act, 1988.

Prosecution case is based upon written complaint
lodged by informant Dhirendera Kumar Singh, ASI Agamkuan
P.S. in which it is alleged that in the night of 3.2.2017, he
received information that in the first floor of the house of



Dinanath Singh, situated in Mohalla Kanti Factory Road, Mahatma Gandhi Nagar, Pawan Kumar and Atul Ranjan Sinha were involved in getting merit-less candidates succeed by adopting fraudulent means, in the competitive examination conducted by Bihar Staff Selection Commission for recruitment in different offices of Government of Bihar by providing answers to the questions through electronic devices.

On receiving said information, he raided the place along with other police personnel and arrested Pawan Kumar, Vipin Kumar and Navneet Kumar from said place who disclosed the names of other accused Atul Ranjan Sinha, Gore Lal @ Kaushaik, Bhola @ Nitesh who were involved in this scam. They further disclosed that they used to fix the electronic devices in the vest of candidates and by use of Bluetooth they used to forward the correct answers of the question through phone in the examination hall to the candidates. In presence of independent witnesses, electronic devices, some of which were fixed in the vest and some were kept for fixing, small Bluetooth, battery of Bluetooth, printer, laptop, ATM card, cash, mobile phones and several original certificates were recovered and seized and seizure list was prepared.

It has been submitted by the Sr. Counsel appearing on



behalf of petitioner that petitioner is not named in the FIR and is innocent and has been falsely implicated in this case on basis of suspicion only. He has been made accused in this case on basis of confessional statement made by co-accused Ramesh Kumar @ Rameshwar Kumar. Petitioner is a loco pilot in railway since 2006 and is in no manner involved directly or indirectly in the offence. He has no concern with any other accused named in this case. He was wrongly framed in this case and no documents as alleged were recovered from his possession or from his house. He has no criminal antecedent and is in custody since 10.02.2017 and has already sufficiently suffered.

Mr. Anil Singh, learned counsel appearing on behalf of Vigilance submitted that in the mobile of petitioner admit cards of several candidates relating to BSSC examination were found and huge number of admit cards and other testimonials relating to BSSC examination were recovered from the house of petitioner during raid conducted in his house. He has confessed his guilt and admitted that he used to take rupees six lacs per candidate for providing the question and answer of the examination one hour before commencement of the said examination and on 5.2.2017 he did the same in respect of present examination. From call details of mobile of petitioner, it



was found that he was in regular touch with co-accused Nitin @ Sanoj and Ramesh @ Rameshwar Kumar whose bail petition has been rejected by a co-ordinate Bench of this court.

It is submitted by learned Sr. counsel that similarly placed other accused persons with more or less similar allegation, namely, Ajay Kumar @ Ajay Kashyap, Guddu Kumar, Anantpreet Singh Brar, Anand Sharma, Rakesh Ranjan @ Rockey, Rajeev Ranjan @ Raju, Hari Om @ Hariom Prasad, Kaushlendra Kumar @ Kaushik @ Gorelal, Bhola @ Nitesh @ Nitesh Kumar, Mukesh Kumar, Anish Kumar @ Golu, Radha Kumari @ Pinki Kumari, Dinesh Kumar Azad @ Dineshwar Azad @ Dineshwar Paswan, Kaushal Singh, Dinesh Kumar Yadav, Shil Bhadra Gupta, Pawan Kumar have already been granted bail by different co-ordinate Benches of this Court. Lastly it has been submitted that mastermind of this scam, Sudhir Kumar, who was Chairman of BSSC has been granted bail by the Apex Court by order dated 06.10.2020 in Petition (s) for Special Leave to Appeal (Crl.) No(s) 3441/2020 taking into consideration that petitioner was already in custody for the last 3 years and 7 months and investigation is over, charge-sheet has been submitted and there is no possibility of completing the trial in near future.



Considering the aforesaid facts and circumstances of the case and also in view of the fact that petitioner is in custody for the last 3 years and 8 months and has no criminal antecedent, let the petitioner named above be released on bail, upon furnishing bail bond of Rs. 50,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Special Case No.11/2017 arising out of Agamkuan P.S. Case No.44/2017 with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

Sanjay/-

U		T	
---	--	---	--

