

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75046 of 2019

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

Sanjeev Kumar @ Sajeev Kumar, aged about 38 years, Male, Son of Ram Dayal Singh, Resident of 2, Vaishnav Vihar, Police Station-Rajiv Nagar, Ashiana Nagar, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar through D.G., Vigilance.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rama Kant Sharma, Senior Advocate
For the SIT : Mr. Ajay Mishra, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 22-06-2020 Heard Mr. Rama Kant Sharma, the learned Senior 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 Sharma, the learned Senior Counsel for the petitioner submits that the petitioner had moved this Court in Cr. Misc. No.52221 of 2017, which was rejected on 30.03.2018.



The petitioner again moved this Court in Cr. Misc. No.44921 of 2018, which was also rejected on 06.03.2019. Thereafter the petitioner moved before the Hon'ble Supreme Court in Special Leave to Appeal (Crl) No.6229 of 2019 and the same was permitted to be withdrawn as dismissed vide order dated 29.07.2019. It is further submitted that the only material against the petitioner is that he was having talk on mobile phone with other co-accused Nitin as well as the confessional statement of the petitioner before the police, except that there is no other material against the petitioner. The petitioner is in jail since 08.06.2017 and the petitioner has got no criminal antecedent. There is no chance of conclusion of trial in near future. The trial is at the stage of framing of charge.

Mr. Ajay Mishra, the learned Additional P.P. appearing on behalf of the SIT and the learned counsel for the Vigilance opposed the prayer for bail of the petitioner.

From perusal of the records, it appears that the police after having received secret information about running of a gang in the house of Dina Nath Singh involved in leakage of question paper and answer sheets of competitive examination raided the house and apprehended Pawan Kumar, Bipin Kumar and Navnit Kumar. The police recovered huge quantity of electronic gazettes, Admit Cards, original certificates of the examinees and during the



course of investigation it transpired that the Date Entry Operator, I.T. Manager and others were deeply connected with the gang and they used to make available the question paper and answer sheets to undeserving candidates. The petitioner was found in touch with Ramesh @ Rameshwar and his sister Radha Kumari @ Pinki Kumari for the purpose of getting question papers and answer sheets. Rameshwar was running a coaching institute and he obtained the question papers and answer sheets from the nephew of the Chairman of BSSC. The petitioner was also found in regular touch with other accused persons and he also transmitted the question papers and answer sheets to other examinees. It appears that the prayer for bail of the petitioner was twice rejected by this Court as well as by the Hon'ble Supreme Court.

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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