

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79022 of 2019

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

=====

RAMESH KUMAR @ RAMESHWAR KUMAR @ RAMESH @
RAMESHWAR Son of Late Laleshwar Prasad Resident of Village/Mohalla -
Near Sipara Bridge, P.S.- Beur, District - Patna, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Avinash Kumar Singh, Advocate
For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

6 24-06-2020 Heard both sides through Video Conferencing.

The petitioner seeks bail in Agamkuan P.S. Case No.44 of 2017, corresponding to Special Case No.11 of 2017 registered under Sections 419, 420, 467, 468, 471, 120B and 34 of the Indian Penal Code, under Section 66D of the I.T. Act and Sections 7, 8, 9, 13(1)(c)(d) read with Section 13(2) of the Prevention of Corruption Act.

The learned counsel for the petitioner submits that petitioner earlier moved this Court in Cr. Misc. No.7834 of 2018 but the same was dismissed as withdrawn vide order dated 04.12.2018 by a co-ordinate Bench of this Court. Thereafter, the petitioner has not moved this Court or before the Hon'ble Supreme Court except the present petition.



The prosecution case, as disclosed by one Dhirendra Kumar Singh, a police officer of Agamkuan P.S., is that he got information that Atul and Pawan were involved in getting meritless candidates passed through the competitive examination of Bihar Staff Selection Commission by adopting fraudulent means and on such information, a raid was conducted. Three persons Bipin Kumar, Navneet Kumar and Pawan Kumar were apprehended from the house of Pappu Singh, S/o Dinanath Singh situated in Mahatma Gandhi Nagar, Kanti Factory Road and huge quantity of incriminating articles such as Bluetooth and other electronic devices, Admit Cards, Educational Certificates, Cash etc. were recovered.

Learned counsel for the petitioner submits that petitioner is not named in the F.I.R. During the course of investigation, the name of the petitioner surfaced in the case. The witnesses have stated that the petitioner transmitted the answer sheets to the competitive examinees to be held by Bihar Staff Selection Commission but mobile of the petitioner was not sent to F.S.L. Some of the examinees disclosed in their statements under Section 164 Cr.P.C. that they received the answer sheets on their mobiles transmitted by the petitioner. It is further submitted that petitioner runs a coaching institute and



the certificate of matriculation and intermediate were recovered from the coaching institute. None of the candidates was examined in the competitive examination. Radha Kumari is the sister of the petitioner and she disclosed that the petitioner handed over the answer sheets to her. She wrote down the same in her own handwriting. Thereafter, the petitioner photographed the same and sent to different candidates but in the F.S.L. report, it has not been corroborated. Petitioner himself is an examinee and beneficiary. Similarly situated other persons who are beneficiaries and got the answer sheets from the accused who indulged in leaking out the question papers and answer sheets have already been enlarged on bail. Thus, the petitioner also deserves bail.

Mr. Ashok Kumar Singh, learned A.P.P. vehemently opposed the prayer for bail and submitted that petitioner is also the person who transmitted the answer sheets after obtaining the same from one Ranjan. Ranjan got the answer sheets from Ashish, the nephew of the Chairman of Bihar Staff Selection Commission. It is further stated that the evidence of sister of the petitioner also shows that it was petitioner who got the answer sheets transcribed in the handwriting of his sister and thereafter he transmitted the same to different persons/examinees from



whom the petitioner has realised the money. No such persons who transmitted the answer sheets to candidates/examinees after realising the money have been granted bail.

Perused the F.I.R. and the records. The petitioner is of course not named in the F.I.R. During the course of investigation, the name of the petitioner surfaced in the case from the disclosure made by Ashish, one of the nephews of the Chairman of Bihar Staff Selection Commission. Ashish disclosed that he obtained the manuscript of the answer sheets from his maternal grandfather residence. On the request of his maternal aunt and maternal uncle he handed over the answer sheets to their relation residing at Ara, Bhojpur. When the petitioner made contact with Ashish, the petitioner was asked to contact Ranjan and obtained the answer sheets. The petitioner obtained the answer sheets from Ranjan and it is alleged that the petitioner transmitted the same to the candidates/examinees from whom he realised the money. Petitioner also runs a coaching institute and there appears that he along with other accused persons had formed a gang and they used to transmit the question papers and answer sheets to different persons before the commencement of the competitive examination after realising good money from the examinees and thus, they have



ruined the sanctity of competitive examination and destroyed the future of many meritorious genuine candidates.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

Saurabh/-

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

