

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82345 of 2019

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

Nitin @ Nitin Kumar @ Sanoj Verma, Male, aged about 28 years, S/o Baldeo Prasad, R/o village- Gerandi, P.S.- Akbarpur, District- Nawada, at present Flat No. 104, Block- A Khelari Heritage, near Leeds Asian School, Bishweshwaraiya Nagar, P.S.- Danapur, District- Patna.

... .. Petitioner/s

Versus

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

... .. Opposite Party/s

Appearance :

For the Petitioner : Dr. Anshuman, Advocate
For the SIT : Mr. Ajay Mishra, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 22-06-2020 Heard Dr. Anshuman, the learned 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.

Dr. Anshuman, the learned counsel for the petitioner submits that prayer for bail of the petitioner was earlier rejected



vide order dated 04.09.2019, passed in Cr. Misc. No.54147 of 2019. The petitioner was not named in the FIR. During the course of investigation, the name of the petitioner has been disclosed by Vipul Kumar, Tilesh Kumar, Rakesh Kumar and Rahul Kishore who disclosed that they have handed over money to the petitioner for providing solved answer sheet on their Whatsapp. It is submitted that during the course of investigation, one mobile, one laptop and a paper on which ten roll numbers were written have been seized from possession of the petitioner. It is further submitted that Atal Bihari Rai has sent question paper to the petitioner. It is submitted that there is no direct evidence against the petitioner save and except the confessional statement of the petitioner and the call details report. The petitioner is in jail since 09.02.2017 and he has remained in jail for more than three years. The co-accused, namely, Anand Sharma was granted bail on 01.10.2019 vide order passed in Cr. Misc. No.51573 of 2019. Co-accused Guddu Kumar and Anantpreet Singh Brar were granted bail vide order passed in Cr. Misc. No.47740 of 2019 and Cr. Misc. No.30399 of 2019 on 13.08.2019 and 17.08.2019 respectively. Ajay Kumar @ Ajay Kashyap, who was the Manager of the printing press, was granted bail vide order dated 10.07.2019, passed in Cr. Misc. No.72651 of 2018. Hence, the petitioner may also be enlarged on bail.



Mr. Ajay Mishra, the learned Additional P.P. for the SIT and the learned counsel appearing on behalf of the Vigilance opposed the prayer for bail of the petitioner and submitted that the case of the petitioner is quite different. The petitioner was also deeply involved in getting the question papers of the BSSC and transmitting the solved question papers to different candidates after obtaining huge amount. Four candidates, Vipul Kumar, Tishesh Kumar, Rakesh Kumar and Rahul Kishore made their statement under Section 164 Cr.P.C. and disclosed this fact. This mobile of the petitioner was seized and on examination of the mobile by the FSL and CDR report, it transpired that the petitioner sent solved question papers to different candidates on their Whatsapp from his own mobile. The petitioner appears to be also main player in the examination scam and he along with other accused persons in collusion with the staff of BSSC got the question papers and provided solved question papers to many candidates after obtaining money from them.

Perused the records. It appears that mobile of the petitioner was examined by the FSL and it transpired that the petitioner sent solved question papers to different candidates on their Whatsapp from his mobile. The case of the petitioner is on different footing against Guddu Kumar who is only said to have telephoned someone to get the solved question papers and Ajay



Kumar Kashyap was the employee of printing press entrusted with the printing of question papers. It appears that the petitioner and other accused persons are indulged in competitive examination scam. The members of the gang are in regular touch with the staff of the BSSC who made the question paper and answer sheets available to them. The petitioner and other members of the gang have ruined the sanctity of the competitive examination and destroyed the future of the meritorious and deserving candidates by making the question paper and answer sheets available to undeserving candidates for appointment in the different offices of the Government of Bihar.

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)

S.KUMAR/-

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

