

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3184 of 2020

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

Ajay Kumar, male, aged about 34 years, S/o Late Dhoop Lal Singh, R/o Village- Faridpur, P.S.- Janipur, District Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Patanjali Rishi

For the Opposite Party/s : Mr.Ajay Mishra

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 22-06-2020 Heard Mr. Patanjali Rishi, 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.

Learned counsel for the petitioner submits that the



prayer for bail of the petitioner was twice rejected by this Court vide order dated 26.06.2018 and 13.08.2019, passed in Cr. Misc. No.54953 of 2017 and Cr. Misc. No.22692 of 2019 respectively. The petitioner did not move before the Hon'ble Supreme Court. It is submitted that the name of the petitioner surfaced in the case during the course of investigation. The petitioner is said to have confessed his guilt and stated that he was involved in the gang for leaking the question papers after taking money from the examinees. The petitioner was in regular touch with the other accused persons. Save and except confession, there is no material against the petitioner. The petitioner is in jail since 13.06.2017.

Mr. Ajay Mishra, the learned Additional P.P for the SIT and the learned counsel for the Vigilance vehemently opposed the prayer for bail and submitted that the police also found that Whatsapp of the petitioner was saved in the name of Ajay Kumar and it was found that the petitioner had talked with other accused persons. One diary was also recovered showing that the petitioner gave money to Alok Ranjan after collecting the same from different candidates. The petitioner realized money from more than 200 candidates to provide answer keys to them but nothing was recovered from possession of the



petitioner to show that the petitioner transmitted the question paper and answer sheets to any candidate. The prayer for bail of the petitioner was earlier rejected with a direction to the trial court to expedite the trial after holding the same on day to day basis and conclude the same within six months but the trial has not yet been concluded.

Taking into consideration the facts aforesaid, petitioner, namely, Ajay Kumar is directed to be enlarged 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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