

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39609 of 2020

Arising Out of PS. Case No.-52 Year-2019 Thana- VIGILANCE District- Patna

VOYAS MUNI PRADHAN Son of Late Kesho Pradhan Resident of Green Field City, Block-25, Flat No. 10/A, Jote Shimbrampur, Kolkata, P.S.- Mahesh Tola in the District of 24 Pragana, (West Bengal).

... .. Petitioner/s

Versus

The State of Bihar through the Vigilance Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Gopal Prasad Roy, Advocate
For the Opposite Party/s :	Mr. Arvind Kumar, Spl PP/Vigilance
	Mr. Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 08-07-2021 Heard Mr. Gopal Prasad Roy, learned Advocate for the petitioner and Mr. Arvind Kumar, learned Advocate for the Vigilance. The State is represented by Nand Kumar, learned APP.

By order dated 02.06.2021 this Court had granted provisional bail to the petitioner.

With respect to irregularities in the process of appointment of 4th grade employees against an advertisement issued in the year 1999, a case was filed. The petitioner along with others was nominated as examiners of the answer sheets. During the course of inquiry, it was found that some of the answer sheets had interpolations, which gave rise to the suspicion that perhaps the marks were tampered with for benefiting



some of the candidates.

Learned counsel for the petitioner has submitted that the examination was conducted by the concerned authority and the petitioner was only one of the examiners. Assuming but not admitting the fact that there were certain interpolations/overwriting in the mark-sheets, but that by itself would not be sufficient to bring home the guilt against the petitioner. There could be overwriting for mistake in awarding the marks or in recording of such marks. It cannot necessarily lead to the inference that such interpolations/overwriting is for the purposes of providing benefit to some of the candidates.

In any view of the matter, the petitioner being only an examiner and the selection process definitely would have required a further re-checking of the papers by the head-examiner, it cannot be alleged that the petitioner is solely responsible for the irregularities which have been found out during the course of inquiry and investigation.

Considering the aforementioned submissions, this Court had granted provisional bail to the petitioner on 02.06.2021.

Considering the entire set of facts and circumstances and the grounds noted above, the



provisional bail granted to the petitioner stands confirmed. The petitioner shall be allowed to remain on the same bail bonds.

The application stands allowed.

(Ashutosh Kumar, J)

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