

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18675 of 2021

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

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SAJJAD AHMAD SON OF MD. KALLU R/O MOHALLA- SHARIFGANJ,
P.S.- KATIHAR, DISTRICT- KATIHAR.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Setu Prateek
For the Vigilance	:	Mr.Rana Vikram Singh, Advocate
For the State		Mr. Ashok Kumar Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

7 07-02-2022 Heard learned counsel for the petitioner, learned counsel for the Vigilance and learned Additional Public Prosecutor for the State in virtual court proceeding.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Agamkuan P.S. Case No. 44 of 2017 corresponding to Special Case No. 11 of 2017 registered for the offences punishable under Sections 417, 420, 467, 468, 471/34 of the IPC, Section 66(B) of B.T. Act and Sections 7, 8, 9, 13(i)(a)(d)(c) read with Section 13(2) of Prevention of Corruption Act.



The gist of the present case is that petitioner along with other accused persons after forming gang in organized manner has committed the offence of leaking the question paper of Bihar Staff Selection Commission (BSSC) for recruitment in government service.

Earlier the bail petition of petitioner was allowed vide order dated 11.10.2017 passed in Cr. Misc. No. 32916 of 2017 but the same was cancelled vide order dated 28.03.2018 passed in Cr. Misc. No. 60714 of 2017. Thereafter, the petitioner has moved for bail before the Hon'ble Apex Court in Special Leave Petition (Criminal) No. 34845 of 2018 which was dismissed on 22.04.2019 with observation that petitioner is at liberty to make a mention before the High Court seeking appropriate direction in the matter. Learned counsel for the petitioner further submits that petitioner is not named in the FIR. He further submits that it appears from the FIR itself that petitioner was a candidate of the examination in question. He further submits that after investigation the prosecution submitted charge sheet against the petitioner. He further submits that co-accused Ashish Kumar has been granted bail by a co-ordinate Bench of this court vide order dated 24.11.2020 passed in Cr. Misc. No. 30540 of 2020. Similarly, co-accused Ramesh Kumar @ Rameshwar Kumar @



Ramesh @ Rameshwar has been granted bail vide order dated 16.12.2020 in Special Leave to Appeal (Crl.) No. 5449 of 2020 by the Hon'ble Apex Court. He further submits that petitioner is rotting in judicial custody since 27.04.2018.

The trial court has sent its report vide letter no. 399 dated 16.12.2021. From perusal of aforesaid report it reveals that charge is yet to be framed in this case.

Learned counsel appearing for the Vigilance as well as learned Additional Public Prosecutor vehemently opposed the prayer of bail.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Vigilance-1, Patna in connection with Agamkuan P.S. Case No. 44 of 2017 corresponding to Special Case No. 11 of 2017, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two



consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. The petitioner is directed not to interfere in the trial process or try to influence the witnesses.

4. If the petitioner does not comply with the aforesaid directions, the respondent-State will be at liberty to approach this Court for cancellation of bail granted to the petitioner.

5. The learned trial court is directed to take initiative for framing of the charges and conclude the trial as early as possible.

6. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order



shall not be delayed for purpose of or in the name of
verification.

(Rajesh Kumar Verma, J)

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