

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23419 of 2022

Arising Out of PS. Case No.-4 Year-2007 Thana- UNIVERSITY District- Muzaffarpur

Amresh Kumar S/o Late Bhuwaneshwar Prasad Singh Resident of Village-
Gangeya Madhopur, P.S.- Katra, District- Muzaffarpur presently residing at B
Type Qrt, L.S. College Campus, P.S.- University, Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Advocate.

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 02-08-2022 Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

Heard Mr. Ravi Ranjan, learned counsel for the
petitioner as well as learned Additional Public Prosecutor for the
State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the



bar in connection with University P. S. Case No. 04 of 2007 registered for the offences punishable under Sections 467, 468, 471, 472, 420, 120 (B) read with 34 of the Indian Penal Code.

As per the prosecution case, it is alleged that the Officer on Special Duty (examination) and examination controller have submitted a report that interpolation has been made in almost 302 answer-sheets of BHMS examination held in 2006. It is further alleged that after receipt of answer-sheets from the Centre Superintendent coding was done by duly constituted team under supervision of Dr. Naresh Kumar, Assistant Information Officer and after finalization of coding work the answer-sheets were sent in the sealed cover envelope to the co-ordinator evaluation by the petitioner, who was working as an Assistant in the Examination Department. Thereafter, all the works of decoding, tabulation and calculation of marks was done by different officers and finally the result of 4th BHMS examination was published by the order of Vice Chancellor. It is also alleged that in the process of tabulation, certain irregularities were found in the answer-sheets of the exam of 1st, 2nd and 3rd years of BHMS and for its physical verification a Committee was constituted and pursuant to the direction of Vice Chancellor the F.I.R. has been instituted.



Learned counsel appearing on behalf of the petitioner submits that from the tenor of the F.I.R., it appears that at the relevant time the petitioner was working as Assistant in the Examination Department and on 25.12.2006 he was authorised to hand over the answer-sheets in a sealed cover to the co-ordinator evaluation. Thereafter, he was also directed to bring the answer-sheets of the examination of 4th year BHMS on 17.02.2007, however, there is no allegation that the petitioner has brought the answer-sheets of examination of 1st, 2nd and 3rd years of BHMS, which is the dispute in question. It is next submitted that admittedly the work of tabulation was attributed to Dr. Vidyapati Kumar, Office Principal, Department of Mathematics, Dr. Manoj Kumar, the Reader in Department of Sanskrit posted in the said university and the tabulation work was done in Computer Centre situated in the Department of Mathematics. It is also submitted that this petitioner has merely acting on the order of his superior officers and the petitioner is simply carried the answer-sheets in sealed cover to the officer concerned and after evaluation, he has allegedly brought the answer-sheets of the examination of 4th year to the Examination Department. Admittedly, no tampering was found in the answer-sheets of the 4th year examination of BHMS and so far the



answer-sheets of the 1st, 2nd and 3rd years of BHMS are concerned, those answer-sheets have not been brought by the petitioner rather the same was brought through courier as is evident from the F.I.R. itself. It is next submitted that the petitioner was working as an Assistant in the said Examination Department and he has lastly superannuated on 31.01.2021 without there being any departmental proceeding and moreover, this petitioner was not even aware of the present case, which was lodged in the year 2007 and prior to his arrest no process whatsoever has been initiated and in fact, the petitioner has been residing in the university campus but at no point of time he has ever been served with a show cause or memo of charge in connection with the alleged irregularity.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner being Assistant of the Examination Department, who was a custodian of the answer-sheets at least for the period when he was authorised to hand over the same to the co-ordinator (evaluation) and also for the period when he brought the answer-sheets to the Examination Department, apart from that after having found prima facie case now the charges have been framed against the petitioner.



Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner had never carried the answer-sheets of the examination of 1st, 2nd and 3rd years of BHMS to the co-ordinator (evaluator) nor he brought to the same to the Examination Department, which answer-sheets have been allegedly subject matter of interpolation, apart from the fact that this petitioner is in custody since 10.03.2022 and moreover, the charges have already been framed, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Muzaffarpur in connection with University P. S. Case No. 04 of 2007, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.



(iv) In the event of default of two consecutive dates
without any cogent reason, his bail bonds will
liable to be cancelled.

(Harish Kumar, J)

shakir/-

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

