

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22106 of 2023

Arising Out of PS. Case No.-40 Year-2022 Thana- ECONOMIC OFFENCES, BIHAR
District- Patna

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Roushan Kumar @ Roshan Roy S/O Gopal Roy R/O Mohalla- Nariyar, P.S-
Saharsa Sadar, Distt.- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar through Economic Offence Unit BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Arvind Kumar Mouar, Advocate
For the EOU	:	Mr. Vishwanath Pd. Sinha, Sr. Advocate
	:	Mrs. Soni Shrivastava, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-07-2023 Heard Mr. Arvind Kumar Mouar, learned counsel for

the petitioner and Mr. V.N.P. Sinha, learned senior counsel
appearing on behalf of the EOU, assisted by Mrs. Soni
Shrivastava, learned counsel.

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

Petitioner seeks bail who is in custody since
26.12.2022 in connection with Economic Offence (Patna) P.S.
Case No. 40 of 2022, F.I.R. dated 24.12.2022 for the offences
punishable under Sections 420, 467, 468, 469, 120B/34 of the
Indian Penal Code, Section 66 of I.T. Act and Section 10 of the
Bihar School Examination Act.



According to prosecution case, under a conspiracy, the examinee Ajay Kumar in connivance with others, had stealthily made pages of the Answer-sheet no. 5092573 viral on social media wherein the role of the invigilator-teacher Sachindra Nath Jyoti appeared suspicious.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case merely on the basis of suspicion that the petitioner was also involved in the present crime in question and he has also forwarded the question paper to other persons. He further submits that the mobile phone of the petitioner was seized and nothing was found in his mobile phone and it appears from the F.I.R. itself that the allegation of making the question paper viral was levelled against the F.I.R. named accused persons, namely, Ajay Kumar and Sachindrda Nath Jyoti. He further submits that it has come during investigation that the petitioner was not involved in the present occurrence. The prosecution after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 26.12.2022.



Learned counsel appearing on behalf of the EOU has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released 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 Additional Chief Judicial Magistrate I, Patna in connection with Economic Offence (Patna) P.S. Case No. 40 of 2022, 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. 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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