

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20850 of 2022

Arising Out of PS. Case No.-369 Year-2015 Thana- PATNA COMPLAINT CASE District-
Patna

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DHIRAJ KUMAR MISHRA @ DHEERAJ KUMAR Son of Lakshmi Kant
Mishra (Retd. Teacher) R/o- Radha Niwas, Behind Public School, Auri More,
Anpara, P.S. - Anpara, District - Sonbhadra (Uttar Pradesh).

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. SRIJAN INFRATECH AND DEVELOPMENT SERVICES PVT. LTD.
(SIDS Pvt. Ltd.)4, Community Centre, 1st Floor, Anupam Apartment, M.B.
Road, Saidulla Jab, P.S. Nebsarai, New Delhi- 110068, Local office Address
- C-34, Tapeswar Nagar, Arrah Garden Road, Near Jagdeo Path, P.S.-
Rupaspur, District- Patna represented through its Director Shri Subham
Singh, aged about 43 years (Male), Son of Pradeep Narayan Singh

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anuraj Singh, Adv.
For the Opposite Party/s : Mr.Prem Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 16-01-2023 Heard Mr. Anuraj Singh, learned counsel for the

petitioner and the learned APP for the State.

The petitioner apprehends his arrest in connection
with Complaint Case No. 369C of 2015 instituted under
Sections 406, 420 and 468 of the Indian Penal Code.

As per the prosecution story, the complainant alleged
that his company was awarded a contract by BTAST for
recruitment and selection of 'Uddeepikas' under the SWASTH
Programme of Government of Bihar which is run by
SAKSHAM. Altogether, 1731 'Uddeepikas' were to be recruited



at various Gram Panchayat level in the District of Kishanganj, Madhepura, Banka, Araria, Madhubani, Jamui, Purnea, Sheohar and Supaul of Bihar. Further, it was noticed that in the written test that was taken in the OMR Sheets, there were discrepancies. Accordingly, the RTI information was sought and it was found that the petitioner herein had inflated the marks of some of the candidates. Accordingly, the complaint in 2015 was filed.

Learned counsel for the petitioner submits that he was a contractual employee having limited access to the computer system and had nothing to do with the said alleged inflation of the marks. Further, so far as the delay part is concerned, his submission is that summons of the bailable warrant although issued by the learned Court never reached him and as such, he could not know about the filing of the present complaint.

Learned APP on the other hand has taken this Court to the different orders of the learned Subordinate Court to show that since 2015, all efforts to bring the petitioner to book, came to zero inasmuch as from 2015, for next half a decade, the summons of the bailable warrant were kept on issuing but without any result and in that event, the alibi of the petitioner is fit to be rejected. He further submits that serious allegation of inflation of marks is against him and considering that the



complaint is of 2015, he is not entitled to relief.

Taking into account the fact that indeed the matter is of 2015 and we are in 2023, it is high time that these kind of cases come to a logical conclusion.

Thus, this Court does not find it fit to extend the benefit of anticipatory bail to the petitioner which is accordingly rejected.

If the petitioner chooses to surrender before the learned Court within 4 weeks from today, the Court shall take into account all the documents that he may annex along with the bail petition and pass order without being prejudiced by any of the observation made herein.

(Rajiv Roy, J)

Ravi/ Ajay
Singh/-

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