

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31043 of 2023

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

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Kailash Prasad Sah S/o Hare Ram Sah R/o Keshav Nagar, P.S- Pipra, Distt.-
Supaul, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Magan Kumar, Adv.

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 24-06-2023 Heard Mr. Magan Kumar, learned counsel

appearing on behalf of the petitioner and learned Additional

Public Prosecutor for the State.

The petitioner seeks regular bail, who is in custody

in connection with Economic Offence P.S. Case No. 40 of 2022,

registered for the offences punishable under Sections 420, 467,

468, 469, 120B/34 of the Indian Penal Code, Section 66 of the

Information Technology Act, 2000 and Section 10 of the Bihar

Examination Control Act, 1981.

The petitioner is said to be one of the suspect, who

in collusion with other accused persons adopted unfair means

and got the question paper leak in the Competitive Examination

conducted by the Bihar Staff Selection Commission.



Learned counsel for the petitioner submits that from the FIR, it appears that the entire allegation revolves around one Ajay Kumar, who had appeared in the said examination and made the question paper leak. The petitioner is a student of B.A. final year and he has no concern with the Competitive Examination, conducted by the Bihar Staff Selection Commission on 23.12.2022, however, only on suspicion, his name has been implicated in this case. During the course of investigation, no cogent material has come suggesting the involvement of the petitioner in the present crime. He further submits that the investigation of the crime is complete and the charge-sheet has already been submitted.

On the other hand, learned counsel for the State opposes the bail application and submits that from the FIR, it appears that the question paper was leaked in a pre-planned manner with the help of so many accused persons, including the petitioner.

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner is a student having no criminal antecedent and moreover the investigation of the crime is complete and, as such, keeping the petitioner behind the bar would serve no purpose that too when



there is no requirement of custodial interrogation, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-XIII, Patna in connection with Economic Offence P.S. Case No. 40 of 2022, subject to the condition that one of the bailors will be the close relatives 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)

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