

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33058 of 2023

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

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RAUSHAN KUMAR Son of Bipin Singh Resident of Village - Ramdiri
Ramnagar, P.S.- Matihani, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar through the Economic Offence Unit, Government of Bihar,
Patna. Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate
For the Opposite Party/s : Mr. Vishwanath Pd. Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-06-2023 Heard learned counsel for the petitioner and learned

APP for the State.

The petitioner is an accused in connection with

Economic Offence Police Station Case No. 40 of 2022

registered for the offences under sections 420, 467, 468, 469,

120(B) and 34 of the Indian Penal Code, section 66 of the

Information Technology Act and Section 10 of Bihar

Examination Control Act lodged on 24.12.2022 by the

informant, Dharmendra Kumar Gupta.



The prosecution story, in short, is that on the written report of the informant, Dharmendra Prasad Gupta, Circle Officer, Sugauli, (Motihari) in the light of the letter issued vide memo No. 2207/conf. Motihari dated 20.09.2022 by the Collector, East Champaran, Motihari, he went to examination centre, Shanti Niketan Jubli School, Motihari where 3rd Graduate level combined examination 2022 was being conducted. He was deputed as the Magistrate from 23.12.2022 to 24.12.2022 and as such, he along with the Observer Police Sub Inspector Bandana Kumari and the Center Superintendent Shree Satyendra Narayan Singh were there on 23.12.2022.

The first sitting of the examination was conducted from 10:00 to 12:15 pm and his second sitting from 2:00 to 4:15 pm. When first sitting was over at around 12:30 hour and all the examinees were going outside the examination hall, he got an information that at examination center No. 1145, Shanti Niketan Jubli School, Motihari, the General Knowledge question Book No. 5092573 and other question paper are viral on social media.

Upon information, a quick action was taken and a verification was done upon which the Center Superintendent explained that answer Book No. 5092573 belongs to Ajay Kumar, Roll No. 40084995 who was examinee of Room No. 42.



In the meantime Ajay Kumar was out of examination hall. Upon verification, it further transpired that in room No. 42, one Sachindra Nath Jyoti was the Invigilator (mobile no. is 9852232332).

He too was out of school after depositing the answer book. When the Center Superintendent was enquired, he too showed his ignorance. Thereafter took the mobile of Invigilator Sachindra Nath Jyoti and in the presence of two witnesses Aditya Raj, Observer cum Joint Election officer, Pakhridayal, East Champaran and Smt. Niraj Singh Observer cum B.D.O., Chauradani, East Champaran and prepared seizure list of different articles. Sachindra Nath Jyoti further, he stated that it appears that one of the examinee Ajay Kumar in conspiracy with another person succeeded in taking photo of question Booklet No. 5092573 electronically and made it viral on social media. It further appears that role of English Teacher, Sachindra Nath Jyoti looks suspicious and thus investigation is required. Accordingly, the FIR.

It has been submitted by the learned Senior Counsel for the petitioner that he is Class-IV employee of Vikash Vidyalaya, Sikshak Nagar, Dumari, Begusarai and during the first sitting of examination conducted by Bihar State Staff



Selection for the distribution of question papers, he had to go in and out and only on suspicion he has been implicated and that the police by coercion took his confessional statement. The last submission is that he is in custody since 20.01.2023 (as stated in paragraph 15 of the bail application).

Learned APP for the State, on the other hand, opposes the prayer for bail stating that he has confessed before the police of leaking the question papers which has become menace in the State.

Considering his period of custody and also that he do not have criminal antecedent and further some of the co-accuseds, namely, Rakesh Raushan and Kailash Prasad Sah have been granted bail by a co-ordinate bench of this Court vide order dated 24.06.2023 passed in Cr. Misc. No. 33390 of 2023 and Cr. Misc. No. 31043 of 2023 respectively, this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Patna in connection with Economic Offence Police Station Case No. 40 of 2022, subject to the following conditions:-



(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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