

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33390 of 2023

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

RAKESH RAUSHAN S/O LATE BIRENDRA PASWAN R/o Village-Naya
Tola, Kaji Chak, P.O.- Islampur, P.S.- Islampur, District-Nalanda, Bihar

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Awadhesh Kumar Mishra, Adv. Mr. Shivpujan Sahay, Adv. Mr. Jitendra Kumar George, Adv.
For the Opposite Party/s	:	Mr.Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with E.O.
P.S. Case No. 40 of 2022 registered for the offences punishable
under Sections 420, 467, 468, 469, 120(B)/ 34 of the Indian
Penal Code, Section 66 of the I.T. Act, 2000 and Section 10 of
Bihar Examination Control Act, 1981.

As per prosecution case, on 23.12.2022 3rd
Bachelor Combined Graduate Level (Preliminary) Examination,
2022 was going on at Shanti Niketan, Jubilee School, Motihari.
It is alleged that some pages of Question-Booklet No. 5092573
were made viral on social media. On verification it came to
light that Booklet No. 5092573 is related to candidate Ajay



Kumar whose Roll No. is 40084995. When the informant searched the candidate Ajay Kumar, by that time, he had left the examination centre. One Sachindra Nath Jyoti (examiner) had also left the examination centre. Thereafter, query was made from Sachindra Nath Jyoti (examiner) but he could not give satisfactory reply as to how question has been made viral. It is further alleged that mobile of examiner Sachindra Nath Jyoti has been seized.

Learned counsel for the petitioner submits that petitioner is not named in the FIR and during course of investigation his name has been surfaced upon his self confessional statement recorded at para-14 of the case diary as mentioned in the impugned order. Except self confessional statement of petitioner, there is nothing on record to connect the present petitioner with the alleged occurrence. Petitioner is quite innocent and has not committed any offence. Petitioner is working on the post of Revenue Officer, Raghapur Block, District Supaul and for further bright future prospect he appeared in the said examination but unfortunately he has been subjected to false implication. Petitioner is in custody since 26.12.2022 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of



tampering with the prosecution evidence.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st, Patna in connection with E.O. P.S. Case No. 40 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) If the petitioner is found involved in similar nature of offences in future, the learned trial court shall be at liberty to cancel his bail bond.

(Alok Kumar Pandey, J)

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