

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48591 of 2023

Arising Out of PS. Case No.-48 Year-2005 Thana- SHRIKRISHNAPURI District- Patna

SUMIT RANJAN S/O SRI SHEOJEE PRASAD R/O Flat no. 220/200,
Mohalla- Shashtri Nagar, P.S- Shashtri Nagar, Distt.- Patna at present
Resident of 13, Jagdeopuri Colony, Khajpura, Jagdeopath, B.D. College, P.S-
Hawaiadda, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Adv.

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 10-11-2023 1. Heard the learned counsel for the petitioner and the
learned APP for the State.
2. The learned counsel for the petitioner submits that
the present quashing application has been filed seeking quashing
of the order dated 03.04.2023, passed by the learned J.M. 1st
Class, Patna, in connection with Shri Krishnapuri P.S. Case
No.48/2005, whereby the petition filed on behalf of the
petitioner under section 239 Cr.P.C. seeking discharge has been
rejected.
3. The learned counsel next submits that the informant
alleges that he received a secret information at District Control
Room, Patna that in connivance of the Administrative
Personnel, the question paper of the Intermediate examination at



A.N. College, Patna were leaked and sent outside the college premises through some agents before starting of the examination, further the accused persons including the petitioner after solving the questions sells the answers to the examinees for Rs.300-400/- each. Accordingly, on the said secret information, a special team was constituted and the first floor of Krishna Apartment was raided, where some persons were found preparing the answer sheets of the question and thus were arrested and certain articles as detailed in the F.I.R. were recovered.

4. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is next submitted that during the course of investigation, no material transpired, which could even remotely connect the petitioner with the offence. It is further submitted that a three men committee was constituted to examine the allegation and the three men committee also did not find any irregularity nor has found that the question papers were leaked, as would manifest from para-77 of the case diary, the learned counsel next relies on para-53 of the case diary to submit that even the superior police officer has not found any material connecting the petitioner and the accused persons with the offence. The learned



counsel further submits that the learned trial court in a mechanical manner without appreciating the fact which transpired during the course of investigation rejected the discharge application of the petitioner. It is further submitted that a learned Co-ordinate Bench of this Court by order dated 18.05.2023 in Cr. Misc. No. 9535/2019 (Kumar Ashish vs. State of Bihar) was pleased to quash the order of cognizance. It is thus submitted that the case of the petitioner is also similarly situated as that of Kumar Ashish.

5. The learned APP is not in a position to dispute the contention of the learned counsel for the petitioner.

6. Considering the submission made by the learned counsel for the petitioner and the fact that a learned Co-ordinate Bench in the case of Kumar Ashish has quashed the criminal proceeding, as such, the order dated 03.04.2023, passed by the learned J.M. 1st Class, Patna, in connection with Shri Krishnapuri P.S. Case No.48/2005, whereby the discharge application filed on behalf of the petitioner under section 239 Cr.P.C. has been rejected is hereby quashed.

(Satyavrat Verma, J)

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