

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51253 of 2022

Arising Out of PS. Case No.-20 Year-2022 Thana- ECONOMIC OFFENCES, BIHAR
District- Patna

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Yogendra Prasad Singh Son of Late Gopal Jee Singh Resident of Village -
Bakhorapur, P.S.- Barahara, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar through the Economic offence Unit Deptt, Bihar, Patna.
Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 47811 of 2022

Arising Out of PS. Case No.-20 Year-2022 Thana- ECONOMIC OFFENCES, BIHAR
District- Patna

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Agam Kumar Sahay Son of Late Samar Deo Shahay Resident of Village -
Farna, P.s.- Barhara, Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar through ADG EOU, Bihar Patna. Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 52520 of 2022

Arising Out of PS. Case No.-20 Year-2022 Thana- ECONOMIC OFFENCES, BIHAR
District- Patna

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Jai Bardhan Gupta S/o Shri Arjun Sao R/o Mathura Sahebganj, P.S. Belhar,
District - Banka.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Superintendent of Police, Economic office Unit, Patna Branch, Bihar.
Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 53917 of 2022

Arising Out of PS. Case No.-20 Year-2022 Thana- ECONOMIC OFFENCES, BIHAR
District- Patna



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Sushil Kumar Singh Son Of Late Haribansh Singh R/O Village- Hariji Ke
Hatta Aara, P.S.- Ara Nawada, District- Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. The State Of Bihar Patna

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 54429 of 2022

Arising Out of PS. Case No.-20 Year-2022 Thana- ECONOMIC OFFENCES, BIHAR
District- Patna

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Shakti Kumar @ Shakti Singh S/o Late Tarkeshwar Prasad R/o Mohalla- New
Colony Delha, P.S.- Delha, District- Gaya (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Economic Offence Unit, Bihar, Patna Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 51253 of 2022)

For the Petitioner/s : Mr. Bindhyachal Singh, Sr. Advocate
Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Vishwanath Pd. Sinha, Sr. Advocate
Mr. Suraj Samdarshi, Advocate

For EOU : Mr. V.N.P. Sinha, Sr. Advocate
(In all the cases) Mrs. Soni Srivastava, Advocate
Mr. Vijay Anand, Advocate

(In CRIMINAL MISCELLANEOUS No. 47811 of 2022)

For the Petitioner/s : Mr. Sanjay Kumar Singh

For the Opposite Party/s : Mr. Vishwanath Pd. Sinha

(In CRIMINAL MISCELLANEOUS No. 52520 of 2022)

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate
Mr. Sanjay Kumar, Advocate
Mr. Kumar Rajdeep, Advocate

For the Opposite Party/s : Mr. Ajay Mishra, APPP

(In CRIMINAL MISCELLANEOUS No. 53917 of 2022)

For the Petitioner/s : Mr. Vipin Kumar Singh

For the Opposite Party/s : Mr. Ajay Mishra

(In CRIMINAL MISCELLANEOUS No. 54429 of 2022)

For the Petitioner/s : Mr. Y.C. Verma, Sr. Advocate
Mr. Gayanand Roy, Advocate
Mr. Shailendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ajay Mishra, APP



CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
CAV ORDER

16 10-05-2023 Heard learned senior counsel for the petitioners, Mr. V.N.P. Sinha, learned counsel for the EOU assisted by Mrs. Soni Srivastava and Mr. Vijay Anand as well as learned Additional Public Prosecutor for the State.

Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

All the files are being clubbed and heard together as they are arisen out of the same P.S. Case No. i.e. Economic Offence P.S. Case No. 20 of 2022.

Petitioners seek bail in connection with Economic Offence P.S. Case No. 20 of 2022, F.I.R. dated 09.05.2020 for the offences punishable under Sections 420, 467, 468 and 120(B) of the Indian Penal Code, Section 66 of I.T. Act as well as Section 3/10 of Bihar Examination Control Act, 1981.

According to prosecution case, Economic Offence Unit, Bihar received information regarding news of question paper becoming viral in social media even before the time of examination. It is further stated that that during investigation it came to light that question paper of set "C" of Hindi had become viral in social media before the time of examination.



For the better adjudication of the cases, the case of these petitioners are being dealt with separately.

Cr. Misc. 51253 of 2022.

Learned senior counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case merely on the ground that the petitioner was Principal cum Centre Superintendent of the Veer Kunwar Singh College, Ara and he was Centre Superintendent at the time of 67th combined preliminary test of Bihar Public Service Commission (BPSC). He further submits that the petitioner was not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of suspicion and the allegation raised against the petitioner is that the question paper was made viral from the centre of the petitioner's college. During the course of investigation, nothing has come with respect to the allegation that the question paper was leaked/made viral from the examination centre where the petitioner was Centre Superintendent. He further submits that petitioner was not the custodian of the question paper, he was only the Centre Superintendent who has the duty to manage and conduct the examination and also manage the arrangements at the centre. He further submits that as per the charge sheet



submitted by the prosecution / police, the petitioner has only charge sheeted under Section 3/10 of the Bihar Conduct of Examination Act and Section 66 of the I.T. Act and these sections have not attracted because nothing has been found in the mobile phone of the petitioner and also the police have not found any link against the petitioner to connect the petitioner in the present case.

Learned counsel for the petitioner further submits that it has come during investigation that the paper was leaked much earlier and became viral at 10:30 am much before the question paper reached to the college/examination centre of the petitioner and the Superintendent of Police of the Special Investigation Team has also not found the allegation of question paper leaked and other offence applicable against the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner and thereafter, the charge has also been framed against the petitioner. The petitioner is in custody since 11.05.2022.

Cr. Misc. No. 47811 of 2022.

Learned senior counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the



petitioner was Assistant Centre In-Charge in Veer Kunwar Singh College, Ara and during the entire investigation save and except that the petitioner was working as Assistant Centre In-Charge, no other evidence could have been collected or revealed suggesting complicity of the petitioner with the alleged offence. The mobile phone of the petitioner bearing number 9534908032 was seized by the police and nothing suspicious could be found by the police in the mobile phone of the petitioner and not a single piece of evidence has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner and thereafter, the charge has also been framed against the petitioner. The petitioner is in custody since 11.05.2022.

Cr. Misc. No. 54429 of 2022.

Learned senior counsel submits that the petitioner carries two criminal antecedents other than the present one and he has falsely been implicated in the present case. He further submits that the petitioner was Principal of Ram Sharan Singh Evening College, Gaya. He further submits that the petitioner was not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of the self



confessional statement of the petitioner. He further submits that the allegation against the petitioner is that the petitioner fraudulently cut the bag of question paper of C set of BPSC 67th Examination by the blade and made a PDF in this mobile no. 8092786701 and sent it through Whatsapp of co-accused, namely, Kapildeo Kumar bearing mobile no. 8303137794. He further submits that the allegation as alleged in the F.I.R. is false and fabricated. He further submits that the police after investigation submitted the charge sheet against the petitioner and thereafter, the charge has also been framed against the petitioner. The petitioner is in custody since 24.06.2022.

Cr. Misc. No. 52520 of 2022.

Learned senior counsel for the petitioner submits that the petitioner carries one criminal antecedent other than the present one and he has falsely been implicated in the present case. He further submits that at the date of occurrence, the petitioner was working and posted as Block Development Officer, Barahara, Ara-cum-Static Magistrate-cum-Observer, BPSC Examination Center at Vir Kunwar Singh College, Ara. He further submits that the petitioner has fairly and sincerely discharged all of his duties and responsibilities entrusted to him vide Schedule-2 to the BPSC Instruction for State Magistrate



and Order of the District Magistrate, Bhojpur, Ara bearing Memo No. 1204/Go. Ara dated 05.05.2022. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and without any evidence. He further submits that there is no allegation of leakage of question paper at or from the alleged examination centre or Veer Kunwar Singh College, Ara. He further submits that on the alleged date of occurrence at 11:30 am, the petitioner received a phone call from the examination controller with a request to come to control room for breaking the seal of question paper in presence of the petitioner. Accordingly, the seal of the question papers and OMR answer sheets were broken by getting its video recording done. Till 11:45 am, the question papers and OMR answer sheets had to be distributed to all candidates in all rooms. But the employees were confused due to finding some defective numbering system in respect of OMR answer sheets. In the meantime 4-5 male-female candidates entered into the Control Room and began heated arguments with the staff on the point of delay in distribution of OMR answer sheets. He further submits that the allegation against the petitioner is that the petitioner has distributed the OMR answer sheets/question papers before the scheduled time in room no. 1 and 2 is not correct, in fact, the



petitioner has directed to distribute the OMR answer sheets and question papers to all the examination rooms. He further submits that during investigation, there is no evidence against the petitioner to connect the petitioner's involvement in the present occurrence. He further submits that only the baseless statement of DSP, Economic Offences Unit, Bihar, Patna and the statement of SI of Police, Economic Offences Unit, Bihar, Patna, wherein it has been alleged that some question papers were distributed in room no. 1 and 2 at the examination centre at 11:00 am i.e., about one hour before the fixed time for commencement of examination at 12:00 am. But these baseless allegations are not corroborated or proved or supported by any kind of oral or documentary or electronic evidence or CCTV footage or videography done at the examination center and the mobile phone of the petitioner was seized by the police. He further submits that no other evidence has come during investigation to connect the petitioner's involvement in the present case. He further submits that the police after investigation submitted the charge sheet against the petitioner and thereafter, the charge has also been framed against the petitioner. The petitioner is in custody since 10.05.2022.

Cr. Misc. No. 53917 of 2022.



Learned senior counsel for the petitioner submits that the petitioner carries one criminal antecedent other than the present one and he has falsely been implicated in the present case. He further submits that the petitioner was not named in the F.I.R. and the name of the petitioner has been transpired during investigation. He further submits that at the time of the alleged occurrence, the petitioner was holding the post of Lecturer in Kunwa Singh College, Ara. He further submits that it has come during investigation that the leakage of question papers is neither from the district of Bhojpur nor from the centre concerned where the petitioner was designated as examination controller and during investigation it has revealed that the other accused persons of Gaya are merely involved in the paper leakage. As per the charge sheet submitted against the petitioner, only offence under Section 3/10 of Bihar Examination Control Act, 1981 and Section 66 of the IT Act are made out against the petitioner whereas there is sufficient material to charge sheet other accused persons under the provisions of the Indian Penal Code and bare perusal of the charge sheet, no case is made out against the petitioner under the Bihar Examination Control Act, 1981 as well as IT Act. He further submits that the police after investigation submitted the charge sheet against the petitioner



and thereafter, the charge has also been framed against the petitioner. The petitioner is in custody since 11.05.2022.

The learned senior counsel for the EOU has vehemently opposed the prayer for bail of the petitioners and submits that the petitioners have not followed the guidelines issued by the Bihar Public Service Commission. He referred to Clause 2 I, V, IV-1 of the instructions issued by the Bihar Public Service Commission. He fairly accepts the contention of the learned counsel for the petitioners that it has come during investigation that the leakage was not from the centre where the petitioners were working in different capacity except (Shakti Kumar @ Shakti Singh in Cr. Misc. No. 54429 of 2022). He further submits that the charge has also been framed against all the petitioners.

Considering the aforesaid facts and it is not the dispute that the petitioners are in custody from May 2022/ June 2022 and also considering the fact that now the investigation is over and charge have also been framed against these petitioners and the case of several co-accused persons who have been apprehended in this case with the same set of facts and allegations have allowed bail by order dated 17.01.2023 in Cr. Misc No. 53947 of 2022 and order dated 24.03.2023 in Cr.



Misc. No. 43874 of 2022, 44015 of 2022, 44423 of 2022, 45555 of 2022, 4916 of 2022, 50503 of 2022, 50791 of 2022, 52422 of 2022, 59621 of 2022 and 4739 of 2023.

Let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Patna in connection with Economic Offence P.S. Case No. 20 of 2022, subject to the following conditions:-

1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the



petitioner has concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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