

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1056 of 2017

Arising Out of PS. Case No.-43 Year-1997 Thana- C.B.I CASE District- Patna

Dr. prof. Lakshmi Roy resident of Bhagwat Nagar, Kumhrar, P.S. Agam Kuan,
District - Patna - 800026.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. S.O., CBI, S.K. Puri, Patna - 800015.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Prasad Mr. Abhijit Kumar, Advocates
For the Respondent/s	:	Mr. Sourendra Pandey, Special PP, CBI
For the State	:	Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

7 21-09-2023 Heard the parties concerned.

2. The present application has been filed challenging the order dated 03.07.2017 whereby the learned Special Judge, CBI-II, Patna has rejected the discharge petition filed by the petitioner under Section 239 CrPC and has posted the case for framing of charge.

3. The petitioner is an accused in a case lodged by the CBI bearing Special Case No. 23/1997 arising out of CBI, Regular Case No. 43A/97 filed under Sections 120B, 420, 409, 467 and 468 of the IPC read with Section 12(2), 13(1)(d) of the Prevention of Corruption Act, 1998. After investigation, the CBI found the involvement of the petitioner in the present case in



which 245 candidates/examinees were admitted in RIT, Jamshedpur after manipulating copy code by the petitioner and other accused persons in the year 1997. The petitioner, at the relevant point of time, was the Principal of RIT, Jamshedpur and was also a member of Coding Committee. Further allegation is that the petitioner in connivance with the then Science and Technology Minister, Brij Bihari Prasad has manipulated the answer-sheets of the candidates for extraneous consideration.

4. Mr. Prasad, learned counsel for the petitioner submits that there was no material on record for framing of charge and the learned Special Judge, CBI-II, Patna has committed material irregularity by dismissing the petition filed by the petitioner for discharge.

5. Mr. Pandey, learned counsel appearing for the CBI argued that during course of investigation various materials including documentary evidence has been collected by the CBI showing the complicity of the petitioner in the present offence along with the then Science and Technology Minister and other functionaries of the RIT, Jamshedpur of which the petitioner was the Principal and also member of the Coding Committee. He further submits that the petitioner disclosed the coding of the candidates to the Minister and by using the



code, answer-sheets of the candidates were changed and thereby 245 candidates/examinees were admitted under the different courses of engineering at various colleges.

6. Having heard learned counsel for the parties and on perusal of the impugned order dated 03.07.2017, I am of the considered opinion that there is sufficient material against the petitioner for framing of charge and the learned Special Judge, CBI-II, Patna has rightly dismissed the application of discharge filed by the petitioner. Accordingly, this petition stands dismissed.

(Anil Kumar Sinha, J)

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