

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71582 of 2024

Arising Out of PS. Case No.-330 Year-2024 Thana- PARBATTa District- Khagaria

Diwakar Kumar Son of Manoj Kumar Mandal Resident of Village- Nayagaon Goviyasi, Police Station-Parbatta, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 73238 of 2024

Arising Out of PS. Case No.-330 Year-2024 Thana- PARBATTa District- Khagaria

Rohit Choudhary @ Rohit Kumar Choudhary S/o Suman Choudhary @ Suman Kumar Choudhary R/o Village- Madhusudanpur, Ward No.3, Shahjadpur, Shazadpur, P.S.- Nathnagar, District- Bhagalpur, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 75146 of 2024

Arising Out of PS. Case No.-330 Year-2024 Thana- PARBATTa District- Khagaria

1. Brajesh Kumar @ Brajesh Kumar Mandal @ Brajesh Mandal Son of Ratan Kumar Mandal R/O-Tinghariya, Ward No. 3, PO -Ayodhyaganj Nagar, PS -Kursela, Distt.- Katihar, Bihar
2. Abhimanyu Kumar @ Abhimanyu Kumar Mandal Son of Ratan Kumar Mandal R/O-Tinghariya, Ward No. 3, PO -Ayodhyaganj Nagar, PS -Kursela, Distt.- Katihar, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 75689 of 2024

Arising Out of PS. Case No.-330 Year-2024 Thana- PARBATTa District- Khagaria



- 1. Shambhu Kumar Son of Late Mahadeo sah Resident of Village- Mojahidpur, P.S.- Parbatta, Distt.- Khagaria
- 2. Niraj Kumar Son of Arbind Sah @ Pappu Sah Resident of Village- Bhamarpur Pachhiyari Tola, Ward No. 3, , P.S.- Bihpur, Distt.- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 80608 of 2024

Arising Out of PS. Case No.-330 Year-2024 Thana- PARBATTa District- Khagaria

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Prince Kumar S/O Manoj Pandit R/O vill - Mojahida, P.S - Parbatta,Dist.- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :
(In CRIMINAL MISCELLANEOUS No. 71582 of 2024)
For the Petitioner/s : Mr. Raghav Prasad, Advocate
For the Opposite Party/s : Mr. Manoj Kumar, APP
(In CRIMINAL MISCELLANEOUS No. 73238 of 2024)
For the Petitioner/s : Mr. Ravi Shankar Roy, Advocate
For the Opposite Party/s : Mr. Pranav Kumar, APP
(In CRIMINAL MISCELLANEOUS No. 75146 of 2024)
For the Petitioner/s : Mr. Ravi Shankar Roy, Advocate
For the Opposite Party/s : Mr. Pranav Kumar, APP
(In CRIMINAL MISCELLANEOUS No. 75689 of 2024)
For the Petitioner/s : Mr. Anuj Kumar, Advocate
For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP
(In CRIMINAL MISCELLANEOUS No. 80608 of 2024)
For the Petitioner/s : Mr. Mritunjay Kumar, Advocate
For the Opposite Party/s : Mr. Dashrath Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 21-11-2024 Heard learned counsel for the petitioners, learned APP

for the State and perused the case diary.

2. The petitioners seek bail in connection with Parbatta



P.S. Case No. 330 of 2024 instituted for the offences under Sections 318(2), 336(3), 338, 339, 340(2) of the Bharatiya Nyaya Sanhita, 2023.

3. Prosecution story, in short, is that these petitioners were caught selling the question paper of Central Selection Board, Constable Selection Examination which was scheduled to be held on 07.08.2024. It is further alleged that these petitioners were apprehended on the spot and question papers, bank cheque along with educational certificates of candidates etc. were recovered from their possession.

4. Learned counsel for the petitioners jointly submitted that petitioners have falsely been implicated in the present case. Petitioners are named in the F.I.R. Learned counsel for the petitioners submits that general and omnibus allegation has been made against these petitioners. No specific overt act is alleged against these petitioners. Learned counsel further submitted that petitioners have not committed any offence as alleged in the FIR. Learned counsel further contended that simply presence of the petitioners near the Examination hall does not make out any case against the petitioners. It has been submitted on behalf of the petitioners that the petitioners are in custody since 08.08.2024 and have no criminal antecedent.



5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners. Learned counsel further submitted that petitioners are named in the FIR and were caught red-handed in selling the question paper to the candidates who were going to appear for the Constable Examination. Learned counsel further submitted that as per seizure list, several educational certificates of the candidates, cheque given by the candidate etc. have been recovered from the possession of the petitioners. Learned counsel further submitted that as per paragraph nos. 2, 4 and 5 of the case diary, the petitioner Prince Kumar has confessed his guilt and stated that he in collusion with other accused persons sold the said question paper. Learned counsel further submitted that investigation is still going on and charge-sheet has not been submitted as yet, and therefore, petitioners may not be released on bail.

6. Considering the aforesaid facts and circumstances of the case and the material available in the case diary, *prima-facie*, it appears that the petitioners are member of gang which is indulged in paper leak and there is a recovery of various documents relating to the educational qualifications of the candidates. Under such circumstances, there is ample evidence



against the petitioners and their involvement in commission of the said offence cannot be denied and also such type of act is not only against the State but is also against the society at large. Considering the aforesaid, this Court is not inclined to grant bail to the petitioners.

7. The prayer for grant of bail to the petitioners in all the cases is, hereby, rejected.

(Rudra Prakash Mishra, J)

Alok Verma/-

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