

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7222 of 2025

Arising Out of PS. Case No.-6 Year-2024 Thana- ECONOMIC OFFENCES, BIHAR
District- Patna

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Rajiv @ Rajiv Aryan @ Pandey Ji S/o Ashok Kumar Pandey Resident of
Makan no. 251/170/66A/4 Behind Mangal Market, Baily road, P.S- Shastri
Nagar, Distt.- Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Superintendent of Police, Economic Offences
Wing Patna
2. The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Kaushal Kumar Jha, Sr. Adv. Mr. Siddharth Aditya, Adv.
For the Opposite Party/s :		Mr. Vishwanath Pd. Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 18-03-2025 Heard Mr. Kaushal Kumar Jha, learned counsel for

the petitioner duly assisted by Mr. Siddharth Aditya and Mr.

Vishwanath Pd. Sinha representing the Economic Offence Unit.

2. The petitioner is in judicial custody in connection
with Economic Offence P.S. Case No. 06 of 2024 for the
offences punishable under Sections 318(3), 338, 336(3), 340(2),
61(2) & 3(5) of the BNS, 2023 (Section 420, 467, 468, 471 and
120(B)/34 of the Indian Penal Code) along with section 3 & 10
of the Bihar Conduct Examination Act, 1981 as also section 66
of the Information Technology Act, 2000, lodged on 16.03.2024
by the informant, Kumar Veer Dhirendra.



3. As per the prosecution story, the allegation is that the Economic Offence Unit (henceforth for short 'the EOU') upon information that the accused is involved in the leakage of the examination papers relating to Teachers Recruitment Examination-3 (henceforth for short 'the TRE-3') which was to take place on 15.03.2024 by the Bihar Public Service Commission (henceforth for short 'the BPSC') reached Rajauli, Nawada (Bihar). As number of Buses/Scorpions with Bihar registration found near Toll Plaza, within the jurisdiction of Kora Police Station. 'The EOU' further got information that some of the accused are present in Karbigahiya station parking area with several set of question papers. It accordingly, raided the place and several bags kept in number of vehicles recovered/seized. 258 persons arrested from Kohinoor Banquet Hall, most of them were candidates. This led to the FIR.

4. Learned Senior Counsel submits that the petitioner is aged 27 years, is a student having no criminal antecedent. It was due to the co-accused, Dr. Shiv who is his childhood friend that he was present at the wrong place (Deoghar, Jharkhand) where he went and was apprehended. Nothing has been recovered from his conscious possession and allegation is that he used mobile phone for which he has already suffered by



being in custody since 16.10.2024. Further, some of the accused persons have been granted bail in Cr. Misc. No. 54654 of 2024 and analogous cases on 20.01.2025. The last submission is that if granted relief, he shall be diligently appearing in trial.

5. Learned Senior Counsel representing the 'E.O.U.' armed with the counter affidavit submits that the petitioner was actively involved in the occurrence and was in use of the mobile phone which is supported by the call data record. He further submits that there has been numerous calls to the other members involved in the paper leak which include Dr. Shiv Kumar, the childhood friend of the petitioner. He, as such, opposes the prayer.

6. Having heard the parties and perusing the record, on the last occasion also, this Court had shown its anguish that in a country of 140 crores people, where the poor persons are educating themselves and trying to put their foot in any Government Technical Institute on the basis of their educational qualification, as they are unable to pay huge educational fees in a private Institution, the rich and the influential people armed with money try to enter into such institution on the basis of paper leaks. The worst part is that the young students which include this petitioner are also involved in such act, if allegation is to be believed, thus jeopardizing their own future.



7. Having recorded the same, taking into account the fact that he has remained in custody since 16.10.2024, FIR lodged, he shall be facing the trial, has no criminal antecedent, some of the similar situate persons have been granted bail, as state above, an undertaking has been given that he shall be diligently appearing in trial, this Court is inclined to extend him the privilege of bail with the same terms and conditions which has been extended to the other accused persons.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty Five Thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1, Patna in connection with Economic Offence P.S. Case No. 6 of 2024, subject to the following conditions:

(i) each of the bailor should be the family member/relative of the petitioner who shall provide official document to show their bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court failure to do so for two consecutive dates without plausible reason will entail cancellation of their bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned



police station every fortnight for next one year to mark their attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of bail bonds;

(vi) if the petitioner holds Indian Passport, he shall be duty bound to surrender the same before the learned Trial court and if required, can prefer petition before the said court itself who will be well placed to decide on it.

(vii) if he do not own the Passport, an affidavit to this effect shall be filed alongwith the bail bond that the accused/petitioner do not hold any Indian Passport till the bail bond is being filed.

9. The bail petition stands allowed.

(Rajiv Roy, J)

Vijay Singh/-

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