

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24578 of 2025

Arising out of PS. Case No.-16 Year-2023 Thana- ECONOMIC OFFENCES, BIHAR Dis-
trict- Patna

Gaurav Kumar @ Sonu S/o Sri Lal Bahadur Saw R/o - Chesi, P.S - Naubat-
pur, District - Patna

... .. Petitioner/s

Versus

- 1. The State of Bihar Patna
- 2. Economin Offence Patna, Through S.P. Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 31188 of 2025

Arising out of PS. Case No.-16 Year-2023 Thana- ECONOMIC OFFENCES, BIHAR Dis-
trict- Patna

Rahul Kumar Son of Krishna Paswan Resident of Village-Sighara, P.S-Dulhin
Bazar, District-Patna

... .. Petitioner/s

Versus

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

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 24578 of 2025)
For the Petitioner/s : Mr. Ghanshyam Tiwary, Advocate
For the EOU : Mr. V.N.P. Sinha, Sr. Advocate
For the State : Mr .Parmeshwar Mehta, APP
(In CRIMINAL MISCELLANEOUS No. 31188 of 2025)
For the Petitioner/s : Mr. Jogendra Kumar, Advocate
For the EOU : Mr. V.N.P. Sinha, Sr. Advocate
For the State : Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

5 27-06-2025 Heard Mr. Ghanshyam Tiwary, learned counsel for the

petitioner, Gaurav Kumar @ Sonu and Mr. Jogendra Kumar,

learned counsel for the petitioner, Rahul Kumar, Mr. V.N.P.

Sinha, learned senior counsel for the Economic Offence Unit



and Mr. Parmeshwar Mehta, learned Additional Public Prosecutor for the state.

2. The petitioners seek bail in a case instituted for the offences under Sections 420, 467, 468 and 120(B) of IPC and Section 66 of IT Act. Petitioner, Gaurav Kumar @ Sonu has no criminal antecedent and Petitioner, Rahul Kumar has one criminal antecedent, i.e., Economic Offence P.S. Case No. 6 of 2024 registered for the offences under Sections 420, 467, 468, 471, 120B, 34 of the IPC along with Sections 3/10 of the Bihar Examination Conduct 1981 and Section 66 of the I.T. Act.

3. The prosecution case is to the effect that the informant namely Kumar Indra Prakash, Dy.S.P. of Economic Offence Police Station, Patna gave a written application before the SHO of Economic Offence, Patna on 30.05.2023 alleging therein that the Central Selection Committee issued an Advertisement No. 1/2023 for recruitment of 21,391 Police Constable placing it on the website on 09.06.2023. The Commission has also notified from 1st to 7th October, 2023, examination will be held on 37 districts of Bihar in two sitting, accordingly, the examination was conducted but message of leak of question paper appeared to be viral in social media and Youtube upon which a team of three Police Inspectors namely Mithilesh Kumar, Vijay



Kumar Ojha and Satendra Kumar was constituted on 18.10.2023 for verification of the viral message of question paper leak. Thereafter, inquiry was held and on verification it was found that in the examination various names were detected who were involved as question paper setters and they had also paid amount to the said question paper setters. There were involvement of altogether six portals in leaking of question papers and they were in connivance with organized gang of "Examination Mafiya" leaked the question paper and extracted money from the examinee, hence, the present FIR was lodged.

4. It is submitted by learned counsel for the petitioners that petitioners are not named in the FIR and merely on suspicion they have been made accused in the present case. It is further submitted by learned counsel for the petitioners that the petitioner, Gaurav Kumar @ Sonu was running a shop of cosmetic item along with photo stat and telephone booth and petitioner Rahul Kumar was working as Munshi in Zenith Logistic situated in Bypass, Patna. It is also submitted by learned counsel for the petitioners that the admits cards which were recovered from the photo stat shop of the petitioner, Gaurav Kumar @ Sonu belongs to those candidates who had come in his shop for getting photo copy and the petitioner, Rahul Kumar is merely a labourer



and he was not the driver of the said vehicle. It is next submitted by learned counsel for the petitioners that the charge-sheet has already been submitted in this case. It is also submitted by learned counsel for the petitioners that several co-accused persons have been granted bail by learned Court below and co-accused Kaushik Kumar Kar has been granted bail by this Court *vide* order dated 16.04.2025 passed in Cr. Misc. No. 78456 of 2024. It is lastly submitted that the petitioner, Gaurav Kumar @ Sonu has no criminal antecedent and he is in custody since 07.09.2024 and petitioner, Rahul Kumar has one criminal antecedent and he has been remanded in the present case on 15.06.2024 since then he is in custody.

5. Mr. V.N.P. Sinha, learned Senior Counsel for the Economic Offence Unit has opposed the prayer for bail of the petitioners. He submits that the case relates to the leak of question papers/malpractice in the competitive examination affecting society at large. Learned Senior counsel for EOU submits by means of counter-affidavit filed on behalf of the Economic Offence Unit, Bihar, Patna dated 20.06.2025 in respect of Petitioner namely Rahul Kumar and he has referred the relevant paragraphs of the same, i.e., 13, 14, 16, 19, 20, 21, 25 and 26 which are as under:-



"13. That the petitioner was the driver of a vehicle bearing Registration No. BR 01 GH 6299 which belongs to Zenith Logistics and Express Service Private Limited as he was the Munshi cum Driver in the said logistics company.

14. That he is a active member of the gang/syndicate involved in question paper leak of different examination.

16. That the petitioner who took the vehicle with confidential materials to deliver the same in Motihari (East Champaran) and he himself has been a candidate for Constable recruitment process.

19. That in order to get himself appointed as a Constable he with the help of accused of EO P.S. Case No. 06 of 2024, namely, Ramesh Kumar under conspiracy took confidential data of the courier company in a pen drive and delivered the same to Dr. Shiv Kumar Shiv, Pradeep and Abhishek Kumar. He also gave his confessional statement and based thereupon the pen drive was recovered and seized from the rented flat of Dr. Shiv Kumar.

20. That after loading question paper in his vehicle bearing Registration No. BR 01 GH 6299 of the courier company M/s Zenith Logistics and Express Services Private Limited, he kept the vehicle at Patna for about seven hours and in between that Dr. Shiv and his father, namely, Sanjeev Kumar, Abhishek, Pradeep Kumar, Balli, Sum it and Vicky joined and got



the question paper leaked.

21. That in fact, at 19:43:03 confidential materials were loaded in the vehicle, however, without informing anybody, he kept the vehicle parked near Office of Zenith Logistics and Express Service Private Limited and DP World Express Logistics Private Limited.

25. That after interception at Hazaribagh and arrest of various accused persons by the Police he switched off his mobile phone and fled away from Zenith Logistics and Express Services Private Limited.

26. That there are technical evidence of his communication and collaboration with Dr. Shh' Kumar, Pradeep Kumar and Sandeep Paswan with whom under different numbers he was in contact."

6. Considering the aforesaid facts and circumstances of the case and keeping in view that Petitioner, Rahul Kumar was instrumental in procuring the Question Paper he was carrying in the vehicle he was driving, I am not inclined to release him on bail and thus his prayer for bail is rejected. However, in view of the allegations against Garuav Kumar @ Sonu of only being a facilitator and considering that he is in custody since 07.09.2024, the petitioner, Gaurav Kumar @ Sonu is directed to be released on bail on furnishing bail-bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to



the satisfaction of the learned Additional Chief Judicial Magistrate-I/Court concerned, Patna in connection with Economic Offence P.S. Case No. 16 of 2023, subject to the the following conditions:-

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be canceled by the Court concerned.

(iv) And further condition that the court below shall verify the criminal antecedent of the petitioner as above-mentioned and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned or-



der shall not be delayed for purpose of the same
or in the name of verification.

7. It is made clear that the observations, if any,
made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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