

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54654 of 2024

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

Sumit Kumar Son of Ram Ekbal Prasad Resident of Vill- Lakhni Bigha, P.S.-
Danapur, District- Patan

... .. Petitioner/s

Versus

The State of Bihar through the Economics Officer Unit, Patna

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 57835 of 2024

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

Rahul Gupta Son of Tarkeshwar Gupta R/O Vill.- Jamuao Barthara, P.S.-
Kannada, Dist.- Gazipur, U.P.

... .. Petitioner/s

Versus

The State Of Bihar Through Economic Offence Unit, Patna, Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 59033 of 2024

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

Sumeet Kumar S/O Sanoj Kumar R/O Village- Kunj, P.S- Roh, Distt.-
Nawada.

... .. Petitioner/s

Versus

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

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 70519 of 2024

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

Abhishek Kumar @ Abhishek Son of Sujit Kumar Keshri Resident of Ward
No. 7, Keshri Nagar, P.S.- Patliputra, Distt.- Patna

... .. Petitioner/s

Versus

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

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 80194 of 2024

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



Shivakant Singh S/O Shreekant Singh R/O Village and P.O- Nawada Ben,
P.S- Uddawant Nagar, Distt.-(Arrah) Bihar.

... .. Petitioner/s

Versus

The State of Bihar through Economic Offence Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 83521 of 2024

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

District- Patna

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Awadesh Kumar Son of Nawal Prasad Resident of Village- Lodipur, P.S.-
Chandi, Distt.- Nalanda

... .. Petitioner/s

Versus

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

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 83919 of 2024

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

District- Patna

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Sri Niwash Chaudary @ Sri Niwas Chaudhary Son of Raj Bali Choudhary
Resident of Village - Sonawa, Police Station - Kudera, District - Kaimur

... .. Petitioner/s

Versus

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

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 54654 of 2024)

For the Petitioner/s : Mr. Dineshwar Pandey, Advocate

For the EOU : Mr. Vishwanath Pd. Sinha, Sr. Advocate

: Mrs. Soni Shrivastava, Advocate

(In CRIMINAL MISCELLANEOUS No. 57835 of 2024)

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate

: Mrs. Vaishnavi Singh, Advocate

: Mr. Ritwik Thakur, Advocate

For the EOU : Mr. Vishwanath Pd. Sinha, Sr. Advocate

: Mrs. Soni Shrivastava, Advocate

(In CRIMINAL MISCELLANEOUS No. 59033 of 2024)

For the Petitioner/s : Mr. Satish Kumar Sinha, Advocate

For the State : Mrs. Anita Kumari, APP

For the EOU : Mr. Vishwanath Pd. Sinha, Sr. Advocate

(In CRIMINAL MISCELLANEOUS No. 70519 of 2024)

For the Petitioner/s : Mr. Avinash Raushan, Advocate

For the State : Mr. Jitendra Kumar Singh, APP

For the EOU : Mr. Vishwanath Pd. Sinha, Sr. Advocate

: Mrs. Soni Shrivastava, Advocate



(In CRIMINAL MISCELLANEOUS No. 80194 of 2024)

For the Petitioner/s : Mr. Chetanand Paswan, Advocate
For the EOU : Mr. Vishwanath Pd. Sinha, Sr. Advocate
: Mr. Vijay Anand, Advocate

(In CRIMINAL MISCELLANEOUS No. 83521 of 2024)

For the Petitioner/s : Mr. Avinash Raushan, Advocate
For the State : Mr. Ajay Kumar No. 2, APP
For the EOU : Mr. Vishwanath Pd. Sinha, Sr. Advocate

(In CRIMINAL MISCELLANEOUS No. 83919 of 2024)

For the Petitioner/s : Dr. Anjani Pd. Singh, Advocate
For the State : Mr. Chandra Sen Prasad Singh, APP
For the EOU : Mr. Vishwanath Pd. Sinha, Sr. Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 20-01-2025 Heard the parties in all the batch cases.

2. The petitioners are in judicial custody in connection with Economic Offence P.S. Case No. 6 of 2024 for the offences punishable under Sections 420, 467, 468, 471 and 120(B)/34 of the Indian Penal Code and 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 are 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') rached Rajauli, Nawada (Bihar). As number of Buses/Scorpios 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.

4. Learned Senior Counsel for 'the EOU' submits that though he has not filed reply in the present case, in other cases, the reply is/are there and he shall be assisting the Court accordingly.

(A) Cr. Misc. No. 54654 of 2024 (Sumit Kumar)

5. So far as this petitioner is concerned, as stated above, according to him, a confession was made before the Police that Pradip Kora had called him to prepare the list of the candidates and was paid amount as incorporated above.

6. Pursuant to the said arrest, another case was lodged against him, is in custody since 16.03.2024 (paragraph no.14 of the petition), is a young man 26 years of age.

7. Learned counsel submits that he was unfortunately at a wrong place and the police not only arrested him, slapped him with another case and attributed a role of preparing the list of the candidates.

(B) Cr. Misc. No. 57835 of 2024 (Rahul Gupta)

8. Learned counsel for the petitioner, Mr. Ajay Kumar



Thakur submits that so far as Rahul Gupta is concerned, he is a resident of Gazipur (Uttar Pradesh), was visiting Varanasi but got implicated in this case and the role assigned to him is that after the seizure of mobile phone, it was found to have number of Admit Cards present in it, no other role has been assigned by 'the EOU', is actually a resident of Uttar Pradesh, was visiting Varanasi got implicated. Further, he is a young man of twenty six years of age having no criminal antecedent and is in custody since 24.03.2024 (paragraph no.19 of the petition).

(C) Cr. Misc. No. 59033 of 2024 (Sumeet Kumar)

9. Learned counsel for the petitioner submits that he again has been arrested with Rahul Gupta at Varanasi, is a resident of district Nawada, was visiting Varanasi and got implicated and the role assigned to him is the same which has been alleged against Rahul Gupta, he too do not have criminal antecedent, is a young man 24 years of age and is in custody since 24.03.2024 (paragraph no.15 of the petition).

(D) Cr. Misc. No. 70519 of 2024 (Abhishek Kumar)

10. Learned counsel for the petitioner submits that allegation against him is that he was holding a pen drive having all the answers to be copied and provided to all the accused persons. After he was implicated, another case has been lodged by 'the EOU', is in custody since 16.03.2024 (paragraph no.6 of the



petition), he has been arrested from Rajauli on the border of Bihar & Jharkhand and is a young man of twenty nine years of age.

(E) Cr. Misc. No. 80194 of 2024 (Shivakant Singh)

11. Learned counsel for the petitioner submits that the role assigned to him is that he is a Driver of Pick-Up Van bearing registration no. BR-01-GM-6320, was on duty but sent to judicial custody on suspicion, is in custody since 08.05.2024 (paragraph no.13 of the petition) and is a young man of 28 years of age having no criminal antecedent.

(F) Cr. Misc. No. 83521 of 2024 (Awadhesh Kumar)

12. Learned counsel for the petitioner submits that he owns a 'Dhaba', has no role to play, only because he served food to his customer irrespective of who is coming/going, got implicated. Further, he do not have criminal antecedent, is in custody since 07.05.2024 (paragraph no.6 of the petition) and he has not even been named in the original list of more than 200 accused persons.

(G) Cr. Misc. No. 83919 of 2024 (Sri Niwash Chaudhary)

13. So far as this petitioner is concerned, he is the owner of the Pick-Up Van bearing registration no. BR-01-GE-0292, has no role to play either in the leak of the paper and the photocopy and/or the meeting of the candidate. Only because the vehicle which he owns has been used by the Driver, got



implicated, he has no criminal antecedent and is in custody since 07.05.2024 (paragraph no.15 of the petition).

14. Mr. Vishwanath Prasad Sinha, learned Senior Counsel duly assisted by Mrs. Sarandha Suman opposes the prayer for bail of all the accused persons. The counter affidavit has been filed by 'the EOU' in **Cr. Misc. No. 57853 of 2024 (Rahul Gupta)** and learned Senior Counsel put this Court to paragraph nos. 13, 14, 18 & 19 which read as follows:-

"13. That during the inquiry the petitioner accepted that he is involved in a paper setting for the last two years which relates to competitive examinations.

14. That during check of his mobile, incriminating articles were found i.e. admit cards of various candidates with respect to TRE-3 as well as other examinations, suspicious numbers and chat with respect to monetary transactions.

18. That in the investigation, evidence has transpired in the form of call detail analysis report with respect to the petitioner's conversation with other members of the gang on the issue of paper leak.

19. That after investigation, the petitioner has



been charge sheeted under Charge Sheet No.7 of 2024 on 12 June, 2024 which was filed before the Learned Additional Chief Judicial Magistrate, 1st Patna.”

15. Further in **Cr. Misc. No. 59033 of 2024 (Sumeet Kumar)**, he has taken this Court to paragraph nos. 12 to 17 to show that how the accused persons at the cost of the innocent poor people/families who burn their midnight oil to appear in the examination and get a Government job, their future were ruined for money, allegations are there against them which clearly shows involvement of these accused persons and thus they do not deserve bail.

16. In view of the fact that one of the paragraph shows that the petitioner was a candidate in the examination and for his own benefit he intended to pay Rs. 25,00,000/-, this Court enquired from the learned counsel who took this Court to paragraph no. 13 to show that a categorical statement has been made that neither he nor his family members is/are were appearing in the examination.

17. However, learned Senior Counsel submits that the said copy has not served upon him. Learned counsel for the petitioner submits that he will be providing a copy to learned Senior Counsel today itself and will be paying Rs. 2,000/- to Mrs.



Sarandha Suman, learned Junior Counsel to learned Senior Counsel Mr. Vishwanath Prasad Sinha and the receipt shall be filed accordingly.

18. Having gone through the facts of the case and the materials available on record as also the submissions put forward by the parties, this Court echoes the sentiment put forward by learned Senior Counsel that in this country of 140 Crores, where the children of thousands of families who are burning their midnight oil secure a place in the government job for the advancement of their family members which can be witnessed at any public place/park/river front/railway platforms as they do not have a proper space to study and prepare themselves for the examinations, these accused persons allegedly help those rich families who can make payment. They must think ponder over it and if amongst these accused persons, even half of them decide to take a different route from now on, it will be for the betterment of the society.

19. So far as the bail part is concerned, as recorded above, most of accused persons are in custody since March 2024 and some since May 2024, charge-sheet already submitted, some of them have no criminal antecedent while others got the criminal antecedent after the present case, an undertaking has been given by all the learned counsels for the different petitioners that given a



chance, they shall be diligently appearing in trial, in that background, this Court is inclined them the privilege of bail with strict conditions.

20. Let the petitioners 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-1st, 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 petitioners who shall provide official document to show their *bona fide*;

(ii) the petitioners 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 petitioners shall appear before the concerned police station every fortnight for next one year to mark their attendance;

(iv) the petitioners 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 petitioners 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 any of the petitioners hold Indian Passport, he/she 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 they 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.

21. All the bail petitions stands disposed of.

(Rajiv Roy, J)

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