

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60633 of 2024

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

Goutam Kumar @ Gautam Kumar S/O Ramanand Ray @ Ramanand Roy
Resident of Village Narayanpur Derhpura, PS Mahnar, Distt- Vaishali
... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. ECONOMIC OFFENCE UNIT, BIHAR PATNA BIHAR
.. .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 74330 of 2024

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

Sumant Kumar @ Suman Kumar Son of Ramanand Rai Village- Rajasan, Ps-
biddupur, Dist- Vaishali
... .. Petitioner/s

Versus

1. The State of Bihar bihar
2. The Additional Director General of Police, Economic Offence Unit, Bihar
bihar
... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 81749 of 2024

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

Rambhawan Paswan S/o Late Lalan Paswan R/o vill - Barni, P.O. - Barni, P.S.
- Dhanarua, Distt. - Patna
... .. Petitioner/s

Versus

The State of Bihar through Economic Offence Unit, Patna Bihar
... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 60633 of 2024)
For the Petitioner/s : Mr. Y.C. Verma, Sr. Advocate
Mr. Shivnandan Bharti
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP
For EOU : Mr. V.N.P. Sinha, Sr. Adv.
Mrs. Soni Srivastava, Adv
Mr. Vijay Anand, Adv.
(In CRIMINAL MISCELLANEOUS No. 74330 of 2024)



For the Petitioner/s : Mr. Ajay Kumar Thakur, Adv.
Mr. Manoj Madhukar, Adv.
For the Opposite Party/s : Mr. Narendra Kumar Singh, Adv.
For EOU : Mr. V.N.P. Sinha, Sr. Adv.
Mrs. Soni Srivastava, Adv.
Mr. Vijay Anand, Adv.
(In CRIMINAL MISCELLANEOUS No. 81749 of 2024)
For the Petitioner/s : Mr. Mahendra Thakur
Mr. Mahesh Kumar
For the Opposite Party/s : Mr. Jagdhar Prasad
For EOU : Mr. V.N.P. Sinha, Sr. Adv.
Mrs. Soni Srivastava, Adv.
Mr. Vijay Anand, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 21-01-2025 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 Dharendra.

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') reached Rajauli, Nawada (Bihar) where 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.

Cr. Misc. No. 60633 of 2024

4. So far as the petitioner, **Goutam Kumar @ Gautam Kumar** is concerned, he has been arrested from Karbihahiya Parking area on 16.03.2024 itself, has no criminal antecedent, submission is that only to assign a role, he has been implicated.

Cr. Misc. No. 74330 of 2024

5. Regarding the petitioner **Sumant Kumar @ Suman Kumar**, allegation against him is that question papers were recovered from the dickey of his motorcycle, is in custody since 16.03.2024 having no criminal antecedent.

Cr. Misc. No. 81749 of 2024

6. **Rambhawan Paswan** is another petitioner and he being the driver of the vehicle in which the question papers were loaded, was called by 'the EOU' and after interrogation



was arrested and is in custody since 08.05.2024 having no criminal antecedent.

7. Mr. Yogesh Chandra Verma, learned Senior Counsel and Mr. Ajay Thakur, learned counsel have led the arguments and it is their submissions that all the petitioners do not have criminal antecedent, have already suffered by being in custody since 16.03.2024 and 08.05.2024, if granted relief, shall be diligently appearing in the trial.

8. Mr. V.N.P. Sinha, learned Senior Counsel for 'the EOU', on the other hand, opposes the prayer submitting that depriving the genuine candidates, they were helping rich and mighty by leaking question papers.

9. 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 over 140 Crores people, there are thousands of families who are poor but having lights in their eyes to get into a government job to better their future as also their family members. Everyday we can see them at the public places with books in hands preparing for the examinations. However, these accused persons allegedly provide job to those who are rich and can pay. This affects the



genuine candidates.

10. However, so far as the bail is concerned, while two of accused persons are in custody since March 2024, one since May 2024, charge-sheet already submitted, they have no criminal antecedent, an undertaking has been given by all the learned counsels that given a chance, they shall be diligently appearing in trial, in that background, this Court is inclined to grant them the privilege of bail with strict conditions.

11. 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) one of the bailors should be the family member/relative of the petitioners who shall provide official document to show his 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 accused persons hold 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 and 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.

12. The bail applications are allowed.

(Rajiv Roy, J)

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