

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78456 of 2024

Arising Out of PS. Case No.-16 Year-2023 Thana- ECONOMIC OFFENCES, BIHAR
District- Patna

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Kaushik Kumar Kar Son of Late Sunil Chadra kar village- Ichapur,
Nawabganj, Ps- Noapara, Dist- North 24 Pargana, West bengal and P/A- 142
old jessore Road, A Mitra Complex, post- Ganganagar, ps- Madhyamgram,
Dist- North 24 pargana, West Bengal

... .. Petitioner/s

Versus

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

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Nivedita Nirvikar, Sr. Advocate
Mr. Jainandra Kumar, Advocate

For the Opposite Party/s : Mr. Shashanq Shekhar, Advocate
Mr. Vishwanath Pd. Sinha, Sr. Advocate

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

7 16-04-2025 Heard Mrs. Nivedita Nirvikar, learned Senior

counsel for the petitioner and Mr. Vishwanath Pd. Sinha,

learned Senior Counsel for the Economic Offence Unit (in short

‘the EOU).

2. The petitioner seeks regular bail in connection
with EOU P.S (Patna) Case No. 16 of 2023, registered for the
offences punishable under Sections 420, 467, 468, 120(B) of the
Indian Penal Code and Sections 66 of the I.T. Act.

3. The prosecution case in short is that for the
recruitment of constables in Excise Department, examination
was conducted on 01.10.2023, 07.10.2023 & 15.10.2023 in two
shifts by Central Selection Board (Constable) but after the



examination was held on 01-10-2023, matter pertaining to various malpractices & disruptions in the said examination and leak of question papers, started going viral in various websites of social media. In this regard, numerous information were received by the Economic Offence Unit, Patna and for verification of the same, a team was constituted on 18-10-2023, which after technical investigation found that the question papers of the said constable recruitment examination, 2023 were leaked by a syndicate of organized crimes, who were active since June 2023. It was further revealed by the team that some Telegram Channels were claiming to provide the answers of question papers of the said examination at the rate of Rs. 80,000/- to Rs. 90,000/- after 07:59 AM & 12:05 AM onward for 1st seating & 2nd seating respectively and for that purpose mobile bearing No-6458580627 was being circulated for payment through UPI.

4. Learned Senior Counsel for the petitioner has submitted that the petitioner has been falsely implicated in this case. He is not named in the FIR and his name has been implicated during investigation. There is no material to connect the petitioner with the alleged crime. The petitioner has no connection in any way with the driver namely, Rahul Kumar



who has been arrested and interrogated by the EOU team. The tender of printing and publication of question papers of Constables Recruitment Exam was granted to a Company namely, M/s Caltex Multiventures Pvt Ltd of which Saurvav Bandyopadhyay, Suman Biswas and Sanjay Das are the Directors and the Board had directed Caltex Multiventures Private Ltd to get the question papers delivered at District at Control Room. Petitioner is neither a director nor an official of M/s Caltex Multi-ventures Pvt Ltd which got the tender with respect to question papers. The petitioner and its company (Blessings Secured Press Pvt Ltd.) came into picture only for the reason that the Press Machineries & Resources of Blessings Secured Press Pvt Ltd was used by the Caltex Multi Ventures Pvt. under a contract agreement dated 14.02.2023 and the Caltex Multi-ventures Pvt Ltd was having full supervision, guidance, control & vigilance during the entire process and the petitioner and his company has nothing to do. It is further submitted that charge sheet no. 18 of 2024 in the case has already been submitted on 22.08.2024. Hence, there is no chance of tampering with evidence. Learned Senior Counsel for the petitioner submits that the petitioner is in judicial custody since 27.06.2024 and has antecedent of two criminal cases out



of which one is of similar nature. It is lastly submitted that the Directors of M/s Caltex Multiventures Pvt Ltd., namely, Saurvav Bandyopadhyay, Suman Biswas and Sanjay Das have been enlarged on bail by the learned Court below vide order dated 26.09.2024 passed in Bail Application No. 1594 of 2024, order dated 12.12.2024 passed in Bail Application No. 2328 of 2024 and order dated 12.12.2024 passed in Bail Application No. 2213 of 2024 respectively.

5. Learned Senior Counsel for the Economic Offence Unit has opposed the prayer for bail of the petitioner. He submits that the case relates to the leak of question papers/malpractice in the competitive examination affecting society at large. On going through the case record, it is found that the petitioner was blacklisted for obtaining contract of printing question papers for competitive examination, therefore, he got a shell company created and made one of his employee, having expertise in marketing, as Director who obtained the contract of printing & transporting the question papers of examination of constable recruitment in Bihar. He was also instrumental in transportation of the question papers to its destination, as interestingly, he attended & headed all the meetings with the logistic companies without any representative



of said Caltex Multi-venture Ltd. Moreover, he has criminal track record of similar nature of cases.

6. However, on specific query made by this Court with respect to the evidence of leaking of the question paper from the company of the petitioner was concerned, the learned Senior Counsel for the EOU has stated that there is no specific finding in the investigation however, he has submitted that since the petitioner was instrumental in obtaining the contract through its shell company and thus the petitioner has shown intention to procure the contract for illegal gains.

7. Considering the aforesaid facts and circumstances of the case and that petitioner has no connection in any way with the driver namely, Rahul Kumar who has been arrested and interrogated by the EOU team as also Directors of M/s Caltex Multiventures Pvt Ltd., namely, Saurvav Bandyopadhyay, Suman Biswas and Sanjay Das have been enlarged on bail by the learned Court below, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Economic Offences, Patna in connection with EOU P.S. Case (Patna) Case No. 16 of 2023.

(i) One of the bailors of the petitioner shall be his close relative.



- (ii) The petitioner shall remain physically present in Court on each date of the trial.
- (iii) In case the prosecution is found the petitioner’s involvement in similar nature of allegation after his release and 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 cancelled by the Court concerned.

(Sourendra Pandey, J)

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