
(2021) 10 JH CK 0024
In the Jharkhand High Court
Case No : A.B.A. No. 8459 Of 2019

Hari Prakash Jha

APPELLANT

Vs

Union Of India Through CBI (ACB), Ranchi

RESPONDENT

Date of Decision : 28-10-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 120B, 420, 468, 471
Prevention Of Corruption Act, 1988 — Section 13(1)(d), 13(2)

Citation : (2021) 10 JH CK 0024

Hon'ble Judges : Anil Kumar Choudhary, J

Bench : Single Bench

Advocate : Rajendra Krishna, Jay Shankar Tiwary, B.K. Prasad

Final Decision : Dismissed

Judgement

Anil Kumar Choudhary, J

Heard the parties.

Apprehending his arrest in connection with RC 04 (A)/2013-R registered under Sections 120B read with Section 420, 468 and 471 of the Indian Penal Code and Section 13 (2) read with Section 13 (1) (d) of the Prevention of Corruption Act, 1988 (charge-sheet submitted under Section 120B, 420, 468 and 471 of the Indian Penal Code), the petitioner has moved this Court for grant of privileges of anticipatory bail.

Learned counsel appearing for the petitioner submits that the allegation against the petitioner is that the petitioner along with the co-accused persons entered into a criminal conspiracy and the co-accused persons using their official position dishonestly and fraudulently manipulated the merit list and assessment charts etc. to extend undue benefit to their preferred candidates and under the guidance and influence of J.P.S.C. Officers, the petitioner was dishonestly and fraudulently declared qualified even though he secured less marks than the minimum marks required and there is specific allegation against the petitioner

that the Central Forensic Science Laboratory deciphered that the petitioner has been given 20 marks by one expert which was manipulated to 30 in the Assessment Chart and he has been given 52 marks out of 60 marks on the basis of his career so without manipulation the marks obtained by the petitioner comes to 76.5; whereas the minimum marks required was 78.5 thus with the manipulation only the petitioner could be selected and appointed as Lecturer-Political Science in B.L.N.L. Bohra College, Rajmahal in the district of Sahebganj. It is submitted that the allegation against the petitioner is false. It is next submitted that the petitioner has completed his graduation in the year 1974 and passed his post-graduation in Political Science in the year 1976 as well as obtained Ph.D. Degree in the subject of Political Science in the year 1989 and the petitioner has since superannuated from the service and before his selection the petitioner has worked as Lecturer in B.L.N.L. Bohra College, Rajmahal in the district of Sahebganj for more than 24 years. It is also submitted that charge-sheet has already been submitted in this case. Hence, it is submitted that the petitioner be given the privileges of anticipatory bail.

Learned counsel for the C.B.I. vehemently opposes the prayer for anticipatory bail of the petitioner and submits that keeping in view the serious nature of allegation against the petitioner of being involved in fraudulent process of recruitment conducted by the Jharkhand Public Service Commission and keeping in view that he is an influential person which is evident from the fact that he managed his fraudulent selection after entering into a criminal conspiracy with the co-accused persons with no less than the high ranking members of the Jharkhand Public Service Commission, there is every chance of the petitioner tampering with the evidence if admitted bail. It is next submitted that the anticipatory bail application of the co-accused persons has already been rejected vide order dated 16.01.2020 and 04.12.2019 in A.B.A. Nos.9436 and 8484 of 2019 respectively and the Hon'ble Supreme Court of India in S.L.P. (Crl.) No(s). 863 of 2020 has declined to interfere with the rejection order of the anticipatory bail application and dismissed the special leave petition vide order dated 11.02.2020. It is then submitted that in S.L.P. (Crl.) No(s). 3061 of 2020 which was filed by the similarly placed co-accused of the petitioner namely Mamta Kerketta whose prayer for anticipatory bail was rejected by this court by order dated 11.02.2020 in A.B.A. No. 8905 of 2019, the Hon'ble Supreme Court of India has directed the petitioner to appear in the trial court. It is therefore submitted that the petitioner ought not to be given the privileges of anticipatory bail.

Considering the serious nature of allegation against the petitioner of having got selected as a Lecturer in criminal conspiracy with the co-accused persons including the members of Jharkhand Public Service Commission and keeping in view the chances of tampering with evidence by him if released on bail, this Court is of the considered view that this is not a fit case where the privileges of anticipatory bail be given to the petitioner. Accordingly, the prayer for anticipatory bail of the above named petitioner is rejected.