
(2014) 1 AJR 565

Jharkhand High Court

Case No: B.A. No. 8223 of 2013

Alice Usha Rani Singh

APPELLANT

Vs

State of Jharkhand

RESPONDENT

Date of Decision: Jan. 6, 2014

Acts Referred:

Penal Code, 1860 (IPC) - Section 109 120B 201 420 423#Prevention of Corruption Act, 1988 -
Section 13(1)(d) 13(2)

Citation: (2014) 1 AJR 565

Hon'ble Judges: Harish Chandra Mishra, J

Bench: Single Bench

Advocate: Dilip Kr. Prasad, for the Appellant; Mokhtar Khan, for the Respondent

Judgement

@JUDGMENTTAG-ORDER

Harish Chandra Mishra, J.

Heard learned counsel for the petitioner and learned counsel for the State. Petitioner has been" made accused

for the offence under Sections 420/423/424/467/468/469/471/477A/120B/109/201 of the Indian Penal Code and Sections 13(2) r/w. Sections

13(1)(d) of the P.C. Act, in connection with R.C. No. 05(A)/2012-AHD-R.

2. The petitioner was working as Controller of Examinations in the Jharkhand Public Service Commission (hereinafter referred to as the

"Commission"), and there is allegation against the Chairman and the Members, as also the petitioner, to have made serious irregularities in the 1st

Combined Civil Services Examinations conducted by the Commission. The allegation against the petitioner and the co-accused persons includes

that though there was advertisement for the post of 64 Deputy Collectors, but much more candidates, than the required number of candidates,

were selected in the P.T. Examination as well as in the Main Examination. There is also allegation of getting the answer sheets examined by

unknown Examiners or by the Examiners, whose consent was not obtained earlier, rather, their consent was obtained after handing over the

answer sheets to them. There is also allegation against the petitioner that the answer books were sent to all the examiners by one dispatch and two

Coordinators were appointed for multiple subjects. It is also alleged that the Agency, which had prepared the merit list, was also not authorized by

the Commission. Based on these allegations, the FIR was lodged against the petitioner, the Chairman and the Members of the Commission.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in this case and though the investigation was

handed over the CBI, but CBI has not yet completed the investigation and submitted the charge sheet in the case, though the petitioner is in

custody since 16.5.2011 itself. It has also been submitted that other Members of the Commission have been granted bail in the case, by the Apex

Court, as also by this Court on the ground of their custody of about two years. Learned counsel accordingly, prayed for bail.

4. Learned counsel for the CBI on the other hand opposed the prayer for bail submitting that the petitioner was the Controller of Examinations in

the Commission and it was her prime duty to ensure fairness in all respects in the examination. Learned counsel accordingly, submitted that the

petitioner cannot be equated with the other co-accused persons, who have been granted bail on the ground of long period of their custody.

Learned counsel accordingly, opposed the prayer for bail.

5. In the facts and circumstances of this case and taking into consideration the fact that the petitioner is in custody since 16.5.2011 itself, i.e., more

than 2 1/2 years, and the case is still under investigation by the CBI, as also taking into consideration the fact that the other co-accused have been

granted bail either by the Supreme Court or by this Court due to their long detention in jail, I am inclined to release the petitioner also on bail.

Accordingly, the petitioner Alice Usha Rani Singh is directed to be released on bail, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five

Thousand) with two sureties of like amount each to the satisfaction of learned Special Judge, CBI, Ranchi, in connection with R.C. No.

05(A)/2012-AHD-R.

6. The petitioner shall deposit her passport, if any, in the Court below, which shall be kept in the custody of the Court during the pendency of the

case and she shall not leave the Country without the permission of the Trial Court. If the petitioner is not having any passport, she shall file an

affidavit to that effect in the Court below. The petitioner is also directed to cooperate in the investigation and trial of the case, and she shall also

keep herself aloof from the witnesses during investigation and trial, failing which, it shall be open for the CBI to move the Court for cancellation of

the bail of the petitioner.