

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 58179 of 2018

Arising Out of RC Case No.-4 E Year-2011 Thana- C.B.I CASE District- Patna

=====

Dharmendra Kumar Verma, aged about 38 years Son of Swami Dayal Verma,
Resident of Village- Hasanpur Tanda, P.S.- Fatehpur, District- Barabanki
(U.P.).

... .. Petitioner/s

Versus

The Union of India through C.B.I.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Kripanand Kumar Prabhakar, Advocate
For the CBI (O.P.) : Mr. Sanjay Kumar, S.C. CBI

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 13-12-2018

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in RC 4E/2011 A,
dated 13.05.2011 instituted under Sections 419/420/464/468/471
of the Indian Penal Code.

3. The petitioner is accused of arranging of a proxy to
appear for him at the All India Veterinary Test- 2011 examination
held on 14.05.2011 at Kolkata.

4. Learned counsel for the petitioner submitted that
though the C.B.I. was not entrusted with going into the aspect of
there being irregularity in the conduct of All India Veterinary Test-



2011, as it was investigating the All India Pre Medical/Dental Test-2011, but had widened the scope of its enquiry and gone into that aspect though there ought to have been a separate F.I.R. for the same. It was further submitted that the allegation against the petitioner is false for the reason that he was not caught and further that he had not appeared at the examination and just because somebody else had appeared in his place would not mean that the petitioner is liable for any prosecution for the wrong or criminal act done by the other person, who actually committed the crime. Learned counsel produced before the Court the orders granting anticipatory bail to similarly situated persons in Cr. Misc. No. 61079 of 2018 dated 04.10.2018 in the case of Rajaneesh Kumar Verma @ Ragneesh Kumar Vs. The Union of India through C.B.I; Cr. Misc. Nos. 51464 of 2018 in the case of Dr. Amrendra Kumar Vs. The State of Bihar and Anr. and Cr. Misc. No. 54352 of 2018 in the case of Satyendra Narayan Singh Vs. State of Bihar through C.B.I. dated 31.10.2018; Cr. Misc. No. 55852 of 2018 dated 25.10.2018 in the case of Ashish Mourya Vs. The State of Bihar and Anr. and Cr. Misc. No. 53864 of 2018 dated 11.10.2018 in the case of Ravi Kant Kumar Vs. The Union of India (through C.B.I.).

5. Learned counsel for the C.B.I. submitted that the petitioner cannot be absolved of criminal liability for his admit



card was used by another person, namely Abhay Kumar Singh, who actually appeared at the examination. It was submitted that during investigation, it has been found that the petitioner was regularly on telephonic contact with the middleman and further that the original admit card issued to the petitioner at his cousin's address has been found at another place by the C.B.I. and not from the possession of the petitioner, which clearly indicates that it was the petitioner who had given his admit card to somebody for appearing at the examination. Learned counsel submitted that many such similarly situated persons have been denied anticipatory bail by various Benches of the Court. It was further submitted that the matter relates to there being purity in the system where merit is a casualty as people with money and other means circumvent and manipulate the procedures for getting admission in courses at the cost of deserving candidates who do not have extra resources and are left out. It was further submitted that such also leads to the persons, who come out after completing those courses not being fully competent and capable and the whole system suffers as a result of this nefarious connection of unscrupulous elements with the scamsters.



6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on anticipatory bail.

7. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

AFR/NAFR	
U	
T	

