

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59452 of 2018

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

Rajesh Yadav @ Rajesh Prasad Yadav, Son of Late Bhola Prasad Yadav,
Resident of Village- Madhopur Musharwa, P.S. Sahiyara, District- Sitamarhi.

... .. Petitioner/s

Versus

The State through the Central Bureau of Investigation (C. B. I.).

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kamal Nayan Choubey, Sr. Adv. Mr. Rakesh Ranjan, Adv.
For the CBI	:	Mr. Sanjay Kumar, SC, CBI

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

5 05-11-2018 Heard learned counsel for the petitioner and counsel
for the C.B.I.

In this case, the petitioner is apprehending his arrest in connection with R.C. No. 4(E)/2011A registered for offences under Sections 120B r/w 419, 420, 464, 468 and 471 of the Indian Penal Code.

The First Information Report was lodged in connection with manipulation and tampering of All India Pre Medical / Dental Test, 2011 examination conducted by the Central Board of Secondary Education, New Delhi. The entrance test has been taken in two parts, preliminary examination and final examination. The preliminary examination was held on 3.4.2011 and the successful candidates



appeared in the final examination, was conducted on 15.05.2011, those succeeded have been admitted in different medical colleges. The C.B.I. received information that something wrong has been done in the selection process by way of manipulating, tampering and impersonating the candidates by the scholars. The C.B.I. started due investigation and could know the main person behind the story is Mr. Arun Kumar, it is he, was managing and tampering the examination with the assistance given by different persons. He used to obtain the plain form of the candidates with entire details and, in consideration of the amount, he used to get the scholar appeared and used to get the admission. During investigation, the C.B.I. could know that there are many clients of Mr. Arun Kumar or some persons who are assisting him or some of the persons are providing candidates and seeking assistance of Arun Kumar for selection in the medical examination. It has come during investigation that one Ravi Ranjan Singh was intending to get admission in the medical college and, for that, Sri Satyender Narayan Singh, father of Ravi Ranjan Singh, conspired with the present petitioner Rajesh Yadav to manage the admission of Ravi Ranjan Singh in the medical college and, in turn, Rajesh Yadav has also contacted his brother-in-law Sri Arun Kumar, the



main conspirator. It has further come during investigation that Rajesh Yadav, Ravi Ranjan Singh and Satyender Narayan Singh were in constant touch with Arun Kumar over his mobile and after scrutinizing the C.D.R. of the said mobile number, it has been found that Mr. Rajesh yadav was also involved in conspiracy of tampering for getting admission of Ravi Ranjan Singh in the medical colleges. The Call details and its transcription itself shows the conversation of Arun Kumar, the main conspirator with Rajesh Yadav, the present petitioner, Satyender Narayan Singh and Ravi Ranjan Singh with respect to managing the admission of Ravi Ranjan Singh.

Learned counsel for the petitioner submits that the C.B.I. has never intended to arrest the petitioner, he is a government servant working as a Superintending Engineer in Railway, always he has cooperated in the investigation, whenever he was called for, he presented himself for the interrogation and supplied other materials. His name has transpired in the year 2014, for four years, no effort was taken by the C.B.I. to arrest him and he has always extended his support to find out the real culprit behind the same, the supplementary charge-sheet under Section 120B, 419 and 420 of the I.P.C. was submitted on 29.8.2014 and the cognizance was



taken on 15.1.2018, now the court below has issued notice to him but, till date, no effort has been taken by the C.B.I. for arresting the petitioner which itself shows that there is no apprehension of arrest of the petitioner. He is only apprehending his arrest because the petitioner has been served notice by the court below for his appearance.

Learned counsel for the C.B.I. has submitted that the transcription of conversation of the present petitioner and Arun Kumar, who was the main actor in managing the entire affairs in getting the scholar appeared as also getting admission of several candidates in different medical colleges, with respect to the admission for Ravi Ranjan Singh.

In the present case, of-course, the petitioner is a government servant, it is hardly a ground for anticipatory bail, that can only be granted on the basis of material available on record and also the stand taken by the C.B.I. in the matter of arresting the accused persons. The C.B.I. has never taken any step to arrest the petitioner but, the court below has issued notice to him for his appearance.

Let the petitioner should appear before the court below and make a prayer for bail. The court below will consider the prayer of the petitioner for bail and will take a decision



without being prejudiced by this order on the same day of
appearance of the petitioner.

(Shivaji Pandey, J)

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