

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.54834 of 2018**

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

Atul Kumar, aged about 42 Years S/o Shri Vishnu Dayal, R/o Vill.- Akauna,  
P.S.- Rath, District- Hamirpur, (U.P.)

... .. Petitioner/s

Versus

State of Bihar Through C. B. I.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Kripanand Kumar Prabhakar

For the Opposite Party/s : Mr. Bipin Kumar Sinha, SC/CBI.

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA  
JAISWAL**

ORAL ORDER

2     14-12-2018                      Heard learned counsel for the petitioner and the  
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection  
with CBI/EO-I RC 219 2011 E 0004 registered under Sections  
120B, 419, 420, 464, 468 and 471 of the Indian Penal Code.

Petitioner along with other accused persons are  
said to have got the dummy candidates appeared in All India  
Pre Medical and Dental Test 2011 conducted by Central Board  
of Secondary Education, New Delhi in place of certain  
candidates taking huge money hatching conspiracy.

It is submitted by learned counsel for the  
petitioner that petitioner is not named in the F.I.R. He does not  
happen to be student of medical. He simply happens to be  
friend of Kamlesh Bahadur who happens to be brother of one



of the candidate namely Ashok Kumar Singh. There is no specific allegation against the petitioner of cheating and hatching conspiracy. Original chargesheet has not been submitted against the petitioner rather supplementary chargesheet with accusation that he worked as a middle man and conspired with co-accused Arun Kumar to manage admission of Ashok Kumar Singh in MBBS course through AIPMT-2011 Exam. Anticipatory bail of some of the accused persons have also been allowed by different co-ordinate Benches of this Court.

On the other hand, learned Standing Counsel for the CBI submitted that the petitioner took active part in the occurrence and got the dummy candidate appeared in the aforesaid examination for Ashok Kumar Singh by taking huge money. Preceding to the occurrence, he had spoken to the main accused Arun Kumar telephonically regarding sending of admit card of Ashok Kumar Singh, matching of photographs and about result of the said candidate. He also talked with Arun Kumar regarding deposit of Rs.50,000/- in SBI Account of Arun Kumar and the said amount is found reflected in the aforesaid account of Arun Kumar which was deposited by said Kamlesh at SBI Branch, Kachnar, Raja Talab, Varanasi and CFSL has



given its opinion regarding the handwriting of Atul Kumar in the pay-in-slip of deposit of Rs.24,000/- in the aforesaid account. Anticipatory bail of some of the accused persons have also been rejected by different co-ordinate Benches of this Court.

In the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. Prayer for bail of the petitioner is rejected.

However, petitioner is directed to surrender before the court below and seek regular bail and the court below shall dispose of the bail petition on the same day of its filing in accordance with law without being prejudiced by this order.

**(Prakash Chandra Jaiswal, J)**

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