

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5151 of 2019

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

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Amit Kumar, son of Dinesh Chand @ Dinesh Chand Kanojiya, Resident of
Sadar Ganj, New Post Office, Mariahu, P.S.- Mariahu, Distt. Jaunpur (U.P.).

... .. Petitioner/s

Versus

The State of Bihar through the C. B. I. Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prakash Kumar, Advocate.
For the CBI : Mr. Bipin Kumar Sinha, S.C. CBI.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5 13-02-2019 Heard learned counsel for the petitioner, counsel for
the CBI and the and the State.

The petitioner seeks bail in **R.C. 4 (E) 11 (A)**
instituted for the offence under Section(s) 120(B) read with
Sections 419, 420, 464, 468 and 471 of the Indian Penal Code.

As per First Information Report filed by the CBI, the
group of 14 named accused persons as named in the written
report entered into criminal conspiracy to manipulate All India
Pre-medical/Dental Test 2011(AIPMT) conducted by Central
Board of Secondary Education, New Delhi. The entrance exam
of AIPMT, 2011 consists of two parts. First is the Preliminary
Examination and second is the final examination. The
preliminary examination was held on 3.4.2011 and the



successful candidates were to appear for the final examination to be conducted on 15.5.2011. Thereafter, the successful candidates was to be admitted in various Medical Colleges in India.

As part of the said conspiracy, the petitioner (CBSE AIPMT Roll No. 5800643) and other students have paid huge amount to Arun Kumar and others as named in the written report to manipulate the said examination in a manner to substitute the original candidates by dummy candidates by impersonation to appear in the said examination. In furtherance of the said conspiracy, Abhay Kumar Singh and others have appeared as dummy candidates on behalf of original candidates in the said examination held on 15.5.2011 at Examination Centre in Kolkata, in lieu of consideration and cost of transportation, boarding, lodging etc.

It is also alleged that to circumvent detection at the examination centers and to dupe the invigilators at the examination centre in their accurate identification, photographs of genuine candidates with the photographs of dummy candidates were being swapped through mixing their physical aspects using photo editing software on the computer. In the said process, Shri Arun Kumar and others were taking help of



Vishal Studio, Perfect Studio and Internet Cafe situated at Patna. The entire conspiracies in the said matter were hatched in the State of Bihar from where the majority of original candidates, dummy candidates, mastermind and others belong.

The regular criminal case has been registered against this petitioner and other co-accused persons as named in the written report for the offence under Sections 120-B read with Section 419, 420, 464, 468 and 471 of the Indian Penal Code and entrusted to Shri Ram Avtar Yadav, Dy. S.P., EO-I, CBI, New Delhi for investigation.

Counsel for the CBI submits that CBI after investigation has submitted charge sheet against the petitioner and other accused persons. The allegation against the petitioner is mentioned in paragraph-16.36, 16.37 and 16.38 of the supplementary charge-sheet which has been enclosed as Annexure-4 to the bail petition.

It is mentioned in paragraph 16.36 of the supplementary charge sheet that accused Abhay Kumar Singh was caught red handed by the CBI team on 15.5.2011 at Ashoka Hall Girls High School, Kolkata, while he was impersonating as Amit Kumar Singh (petitioner), son of Shri Dinesh Chand in All India Pre-Medical/Pre Dental Entrance



Examination, 2011 (AIPMT). It has also come in paragraph 16.37 that investigation revealed that Vinod Kumar, resident of Jalun, U.P., college friend of Amit Kumar (petitioner) had promised to manage admission of Amit Kumar (petitioner) for MBBS course through AIPMT-2011 exam with the help of Arun Kumar. On the direction of Vinod Kumar, Amit Kumar managed to get the signature of his father Shri Dinesh Chand on his blank application form of AIPMT-2011 examination and further handed over to dummy candidate Abhay Kumar Singh through Vinod Kumar and Arun Kumar to fill his remaining personal particulars and signature on the said application form along with his photographs. It is mentioned in paragraph 16.38 that petitioner has given his postal address as C/o Shiv Shankar Saini, E-3181, Rajajipuram, Lucknow, where he was residing as tenant. He received the admit card of the said examination at the given address and forwarded the same to dummy candidate Abhay Kumar Singh who appeared in AIPMT-2011 examination and put his thumb impression and signature on the OMR Answer sheet and attendance sheet as Amit Kumar (petitioner).

Counsel for the petitioner submits that petitioner has been falsely implicated in the case by the CBI with oblique



motive. He further submits that if the entire allegation is found to be true, at best it is a case of impersonation and offence is bailable in nature.

Counsel for the CBI has further submitted that there is series of allegation against the petitioner. There is sufficient material against him in paragraphs 16.35, 16.36, 16.37 and 16.38 of supplementary charge-sheet. The witnesses namely, Shri Chandra Bhushan Kumar (PW-42), Dinesh Chand (PW-43), Mr. Shiv Shankar Saini (PW-82) and Mr. Vinod Kumar (PW-87) have spoken in detail during investigation about the role of this petitioner in the entire conspiracy.

This Court from perusal of the allegation against the petitioner as mentioned in paragraphs 16.36, 16.37 and 16.38 of supplementary charge-sheet finds that co-accused Abhay Kumar Singh was caught red handed by the CBI team on 15.5.2011 at Ashoka Hall Girls High School, Kolkata, impersonating Amit Kumar (petitioner).

As such, from the entire allegation and the materials available in the supplementary charge sheet, it appears that petitioner was not found present on the spot. He has given full cooperation to the CBI during investigation. The charge-sheet has also been submitted. It has been submitted on behalf of



petitioner that co-accused Abhay Kumar Singh who was said to be found appearing in the examination in place of this petitioner on 15.5.2011 at Ashoka Hall Girls High School, Kolkata, has already been granted bail by coordinate Bench of this Court vide order dated 9.9.2011 passed in Cr. Misc. 24437 of 2011.

Petitioner is in custody since 16.11.2018 having clean antecedent.

Considering the aforesaid facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of **Shri Praveen Kumar Singh, learned Special Judicial Magistrate, C.B.I.-I, Patna-cum-Additional Chief Judicial Magistrate, Patna,** in connection with **R.C. 4 (E) 11 (A)** subject to the condition that both the bailors will be the close relatives of the petitioner with further conditions which are as follows:

(i) Petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court (ii) In absence on two consecutive dates without any valid reason, the bail bonds of the petitioner will liable to be cancelled and (iii) if



petitioner tampers with the evidence or the witnesses of the case, in that event, prosecution will be at liberty to move for cancellation of bail of the petitioner.

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(Sanjay Priya, J)

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