

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4663 of 2019

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 of Bihar through the C.B.I. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Ranjan, Advocate.

For the CBI : Mr. Bipin Kumar Sinha, S.C., CBI.

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 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)/2011A (in FIR No. R.C.219-2011-E 0004)** 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 co-accused Amit Kumar (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 petitioner submits that CBI after investigation has submitted charge sheet against co-accused Amit Kumar and other accused persons. Petitioner is not named in the written report. He is neither beneficiary of the examination nor the dummy candidate. The Investigatng Officer has submitted first charge sheet under Section 173(2) Cr. P.C. on 14.7.2011 against nine accused persons but not against the petitioner and kept further investigation pending. The supplementary charge sheet has been submitted by the CBI against eleven accused persons which include the name of this petitioner. The name of petitioner has come in the charge sheet



because he happens to be cousin brother of Arun Kumar who has been charge sheeted on 14.7.2011.

Counsel for the CBI has appeared and submitted that there is sufficient material against the petitioner in paragraphs 16.5, 16.6, 16.12 and 16.14 of the supplementary charge sheet which has been enclosed as Annexure-2. The allegation against petitioner in paragraph 16.5 and 16.6 is that Satyender Narayan Singh, father of Ravi Ranjan Singh, hatched conspiracy with the petitioner, who is brother and brother-in-law of co-accused Arun Kumar to manage admission of Ravi Ranjan in any Medical College for MBBS course. It is alleged that petitioner, Ravi Ranjan Singh and Satyender Narayan Singh were in constant touch with Mr. Arun Kumar over his Mobile No. 9955122084. After scrutinizing the CDRs of the said mobile number, it has been found that petitioner had talked with Mr. Arun Kumar on various occasions on his Mobile phone. It has come in paragraph 16.12 that from CFSL report it was confirmed that petitioner was talking with Arun Kumar over his Mobile No. 9955122084 with regard to managing admission of Ravi Ranjan Singh through AIPMT-2011 exam. It is mentioned in paragraph-16.14 of supplementary charge sheet that after clearing the preliminary examination of Ravi Ranjan Singh, Arun Kumar



had demanded an amount of Rs.10,000/- for main exam on which the petitioner told him that only Rs.10,000/- was to be given as advance money and remaining amount was to be paid after selection of the candidate.

Counsel for the petitioner submits that Arun Kumar has already been granted bail by coordinate Bench of this Court vide order dated 24.08.2011 passed in Cr. Misc. 28044 of 2011.

Petitioner is in custody since 5.12.2018 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., Patna**, in connection with **R.C. 4 (E)/2011A (FIR No. R.C. 219-2011-E0004)** 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.

(Sanjay Priya, J)

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