

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79522 of 2023

Arising Out of PS. Case No.-4 Year-2013 Thana- ECONOMIC OFFENCES, BIHAR
District- Patna

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MD. SABBIR HUSSAIN SON OF LATE MD. ABDUS SAMIL @ MD.
ABDUS SAMI @ M.A SAMI RESIDENT OF MOHALLA- TANK LANE,
JAGIDSHPUR, BHIKANPUR, PS -ISHACHAK, DISTT- BHAGALPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR THROUGH THE ECONOMIC OFFENCES UNIT,
PATNA BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Shashank Chandra, Advocate
For the State	:	Mr. Vinay Kirti Singh, APP
For E.O.U.	:	Mr. Rana Vikram Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

8 30-07-2024 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 419, 420, 465, 467, 468, 471, 472, 473 and 120B of the Indian Penal Code.

3. As per prosecution case, this petitioner is alleged to have impersonated one Ajit Kumar in COMEDK UGET-2012 Examination. During investigation, photograph of this petitioner was found on the application form and as per forensic report, the finger impressions of this petitioner were found on the admit card.

4. It is submitted by learned counsel appearing on



behalf of the petitioner that initially name of this petitioner was not added in the column of accused persons in the F.I.R.. As a matter of fact, during course of investigation, the name of this petitioner surfaced in this case. It is further submitted that during investigation, petitioner was directed by the I.O. to furnish his fingerprint samples as well as signature and handwriting samples and the same were sent by the I.O. for forensic examination. Subsequently, a report was received on 29.09.2015 in which it was specifically recorded that the photograph on the application does not match with the sample photograph sent for examination. However, the forensic laboratory opined that the fingerprint on the application is akin to that of left forefinger of specimen sample of this petitioner. Based on the said report, allegations are being leveled against this petitioner for impersonating Ajit Kumar in COMEDK UGET-2012 Examination. Moreover, during 10 years of long investigation, no effort was made by the I.O. to trace the said Ajit Kumar, neither any coercive steps have been taken against the said person and on contrary, this petitioner is being made an accused in this case, without any substance. It is next submitted that petitioner is a doctor by profession and he is pursuing higher studies and his entire carrier will be tarnished due to this



false and concocted case. It is further submitted that petitioner has fully cooperated during the entire investigation and at no point of time, this petitioner has violated any directions of the I.O. or the learned trial court. Petitioner claims clean antecedents.

5. On the other hand, learned A.P.P. for the State and learned counsel for the Economic Offences Unit have vehemently opposed the prayer for grant of anticipatory bail to the petitioner and submitted that F.I.R. relates to tampering with examination process for COMEDK UGET-2012 Examination and other education institutions by allowing an imposter to participate in the examination process on behalf of actual candidates and with further allegations for admission of candidates who are otherwise not eligible by getting cancellation of admission of selected candidates in connivance with the management of the institutes, after extraction of money from them. During investigation and supervision, case was found to be true against three other co-accused persons, who were charge-sheeted under Charge-sheet No. 17 of 2013 dated 27.04.2023. Thereafter, during investigation, an application form for COMEDK UGET 2012 being Application No. 191839 of one Ajit Kumar was seized from co-accused Brijmohan Singh



and co-accused Shivanshu Bharti has given confessional statement in this regard that instead of candidate Ajit Kumar, this petitioner, who was then a second year student of Bhagalpur Medical College, had sat in the examination and impersonated Ajit Kumar. During investigation, the Secretary of COMEDK has made available relevant materials, including original application number belonging to Ajit Kumar and during the investigation, the investigating officer visited Bhagalpur Medical College and found this petitioner and also found that the photograph pasted in the application form of Ajit Kumar is identical and similar to this petitioner. Thereafter, during investigation, the thumb impression embossed on application of Ajit Kumar was verified with the thumb impression of this petitioner, with the assistance of the Government Fingerprint Examiner and it was found to be same, as is apparent from the report dated 16.10.2017.

6. Considering the rival submissions and materials available on record, it appears that during course of investigation it has surfaced that on the application form of one Ajit Kumar, bearing Application No. 191839, photograph of this petitioner has been found and as per forensic report, thumb impression of this petitioner was found on the said application



form.

7. Considering the aforesaid facts and circumstances,
the prayer for grant of anticipatory bail to the petitioner is
rejected.

(Prabhat Kumar Singh, J)

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