

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5332 of 2025

Arising Out of PS. Case No.-66 Year-2024 Thana- Cyber P.S. District- Purnia

Ashish Mishra @ Ashish Kumar Mishra Son of Akhilesh Mishra Resident of
Village-Khanpur, P.S- Manjhi, Distt.- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Adv.

For the Opposite Party/s : Mr. Arvind Kumar Pandey(APP84)

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 15-04-2025 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary called for in Cr. Misc.
No. 3015 of 2025.

2. The petitioner seeks bail in connection with Purnea
Cyber P.S. Case No. 66 of 2024 instituted for the offences
under Sections 318(4), 319(2), 338, 336(3), 340(2), 61(2), 111
of the Bhartiya Nyaya Sanhita, 2023, Sections 65, 66(C), 66(D)
of the Information and Technology Act, 2000 and Sections 9, 10
& 11 of the Public Examination (Prevention of Unfair Means)
Act, 2024.

3. As per prosecution case, on the information given
by the Informant, who was assigned as a Co-ordinator at the
Purnia Digital Online Examination Center at Hansda Road,



Gulabbag, Purnia, the police officials reached there and during verification, 12 (twelve) fake candidates were caught who were found using forged admit cards, Aadhaar cards and other documents and were arrested. On query, they confessed of appearing in the examination in place of actual students in exchange of money. They also disclosed that the original students were present in a nearby flat where their e-admit cards were being verified for 'bio-metric In-Out' access. Later on, the police raided the said flat and recovered e-devices and other incriminating materials. It is also revealed that before the entry of the fake candidates, the owner of the lab Vivek Kumar, his partner Roshan Kumar S/o Suryadeo Mandal, Rahul Raj and other accomplices used to prepare the documents at the Purnia Digital Center. Subsequently, Purnia Digital staff members, 07 (seven) in number, including the petitioner, who are alleged to have helped in organizing the cheating process, were also arrested. The police also arrested two persons, namely Roshan Kumar S/o Ajay Singh and Kunal Kumar who were fleeing from the Center, in front of the Purnia Digital Examination Center on the road. From the place of location, connecting network wire and other technical items were recovered. From the flat of Suresh Chandra Saha, 14 (fourteen) original examinees, were



also arrested and, on search, various documents including fake admit cards, Aadhaar cards, original IDs of the students etc. were recovered. From outside the flat, the police also seized Tata Harrier car with a cheque of Rs. 60,000/- and Rs. 4,20,400/- in cash. The police also recovered several incriminating articles from the Hotel Shine. Two motorcycles and one scooter were also seized.

4. Learned counsel for the petitioner submit that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case merely on the basis of suspicion. As per allegation, the petitioner is the staff of Vivek Kumar, Raushan Kumar and Rahul who are the owner of the examination center. Learned counsel for the petitioner submits that the petitioner was not arrested from the on spot and nothing incriminating has been recovered from his conscious possession. The name of the petitioner has transpired in the present case on the disclosures made by the arrested co-accused persons. There is no specific or direct allegation of any overt act against the petitioner rather the same is general and omnibus in nature. The petitioner was no arrested from the examination center. The petitioner has no concern with the affairs of the owners of the center or the other



co-accused persons. The petitioner had no knowledge about the act of the owner of the examination center. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has no criminal antecedent and is languishing in judicial custody since 14.11.2024 without any rhyme or reason. Charge-sheet has been submitted in this case.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. He submits that the petitioner is named in the F.I.R. and, according to seizure list, several articles have been seized from the possession of the accused persons and other places. He further submits that during investigation, all the witnesses have supported the factum of occurrence and involvement of the petitioner and, accordingly, the Investigating Officer, after completion of investigation, submitted charge-sheet against the petitioner under Sections 318(4), 319(2), 338, 336(3), 340(2), 61(2), 111 of the Bhartiya Nyaya Sanhita, 2023, Sections 65(C) & 66(D) of the Information and Technology Act, 2000 and Sections 9, 10 & 11 of the Public Examination (Prevention of Unfair Means) Act, 2024. Learned counsel for the State further submits that the petitioner has also confessed his guilt of being



involved in the alleged occurrence. The offence alleged is serious in nature and, hence, the petitioner does not deserve bail.

6. In the opinion of this Court, public examinations play a crucial role in shaping the educational and professional futures of individuals. The credibility and fairness of these examinations are fundamental to ensure equal opportunities for all candidates. In this case, it is alleged that the petitioner along with the other co-accused persons in connivance with criminal conspiracy and in organized way committed the offence of cheating, cheating by impersonation, forgery of valuable security and fraudulently and dishonestly used as genuine any document or electronic record which they know or have reason to believe to be a forged document or electronic record. They have also committed an offence under the I.T. Act as well as the Public Examinations (Prevention of Unfair Means) Act, 2024 recently passed by the Parliament.

7. Such type of offence undermines the principles of meritocracy, equal opportunities, integrity of system and ultimately impacting the credibility of qualifications and the over all social fabric.

8. Considering the overall facts and circumstances of the case and after going through the entire records of this case as



also taking into account the nature and gravity of the offence, this Court is not inclined to grant bail to the petitioner at this stage.

9. Accordingly, the prayer for bail of the petitioner is hereby rejected with a direction to the court below to conclude the trial expeditiously preferably within a period of six months from today.

10. If the trial is not concluded within the aforesaid period of six months, the petitioner will be at liberty to renew his prayer for bail before the court below which will be disposed of on its own merit without being prejudiced by this order.

(Rudra Prakash Mishra, J)

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