

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85287 of 2024

Arising out of PS. Case No.-6 Year-2024 Thana- C.B.I CASE District- Patna

Sandeep Kumar, aged about 22 years, Male, Son of Hira Lal. Resident of Di-
gaon. PS -Kasda District- Jalor (Rajasthan).

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. The CBI/EO-III/New Delhi through its Director Delhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Apurv Harsh, Advocate Mr. Manu Tripurari, Advocate Mr. Prabhu Prakash, Advocate Ms. Aditi Sahay, Advocate Mr. Raghu Raj Pratap, Advocate Ms. Jaya Singh, Advocate Mr. Hritik Anand, Advocate Mr. Gaurav Sharma, Advocate Mr. Manoj Kumar Pandey, Advocate
For the State	:	Mr. Ajit Kumar, Advocate
For the CBI	:	Mrs. Nivedita Nirvikar, Sr. Advocate Mr. Pravin Kumar, Advocate Mr. Amarshakti, Advocate

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

10 16-05-2025 Heard learned counsel for the petitioner, learned Ad-

ditional Public Prosecutor for the State and learned senior coun-

sel for the Central Bureau of Investigation (CBI).

2. The petitioner seeks bail in connection with Shastri

Nagar P.S. Case No. 358 of 2024 dated 05.05.2024 instituted for

the offences under Sections 407, 408, 409 and 120B of the In-

dian Penal Code and later on the CBI re-registered the case as

RC 221/2024/E0006-CBI/EO-III, New Delhi on 23.06.2024. He

has no criminal antecedent.



3. The prosecution case, as per the allegation made in the First Information Report, is that the informant, Inspector-cum-SHO of Shastinagar Police Station, Patna, on 05.05.2024, during patrolling, got the information from his Senior Officials that in the NEET UG Exam, 2024, an organized gang, some students along with staffs in collusion has breached the integrity and sanctity of the chain of custody of question papers and leaked the same. He was also informed that some members of the gang were moving in a white colour Renault Duster car. The informant intercepted the white colour Renault Duster car bearing registration number JH 01BW-0019 and arrested three persons from the car who disclosed their names as Shikandar Yadwendu, Akhilesh Kumar and Bittu Kumar. Upon search, admit cards of four candidates namely Abhishek Kumar, Shivnandan Kumar, Aayush Raj and Anurag Yadav were recovered. Two mobile phones were also recovered from the pocket of arrested co-accused Shikandar Yadwendu. On interrogation regarding the question papers, accused Shikandar Yadwendu told that the students are taking examination at various centres and arrangements for their examination was made by him. They had taken some of the students for memorizing the answers of NEET questions. Subsequently, police party reached one of the exami-



nation centres i.e. D.A.V. Public School, B.S.E.B. Colony, Patna, where one co-accused, Ayush Kumar was taking the examination. After the examination was over, the police took the said accused in custody and during interrogation, he revealed that on 04.05.2024, he along with 20-25 other students were taken to Learn Boys Hostel and Learn Play School, situated at Khemnichak, Patna and were provided with solved question papers in order to memorize them. In competitive examination, all questions came from the same question booklet.

Submission of learned counsel for the petitioner.

4. Mr. Apurv Harsh, learned counsel for the petitioner submits that the petitioner is not named in the FIR and his name has surfaced subsequently during the course of investigation. Learned counsel for the petitioner further submits that it is merely on suspicion that the name of the petitioner has been included in the present case and from perusal of the FIR it is also evident that neither the persons who were apprehended by the police nor the students/examinees have disclosed the name of the petitioner in any manner during their interrogation by the CBI.

5. Learned counsel for the petitioner submits that the petitioner is himself a student of MBBS 1st year in Government



Medical College Bhilwara, Rajasthan and he had neither appeared in the examination in place of any student nor has solved the question paper of MBBS Examination. It is also submitted by learned counsel for the petitioner that it is also no case of the prosecution that the petitioner was caught while cheating or using unfair means during the NEET Examination or in any way involved in the stealing/siphoning of the question papers. Learned counsel for the petitioner next submits that during the course of investigation the CBI arrested the petitioner from his college and barring the allegation that he was one of the solvers there is no direct or indirect evidence which has been gathered by the CBI during the course of investigation rather it was only on some that the petitioner has been roped in the present case.

6. Learned counsel for the petitioner has fairly submitted that the CBI, only on the basis of mobile tower location of the petitioner, which was found in the Raj Guest House situated at Hazaribagh (Jharkhand) has made the petitioner an accused in the present case. Learned counsel for the petitioner further submits that the investigation has already been completed and the CBI has submitted charge-sheet against the petitioner. It has further been submitted that the Petitioner had co-operated with the investigating agency.



7. Learned counsel for the petitioner has pointed out that from the perusal of the charge-sheet, as far as the petitioner is concerned, it has been stated that he had met the other accused namely Amit Kumar Singh in Bharatpur in February, 2024 and had agreed for becoming a dummy candidate in lieu of money offered by Amit Kumar Singh. It is further submitted by learned counsel for the petitioner that the tower location of mobile phone of the petitioner was in Hazaribagh on 3rd to 5th May, 2024. He along with other accused persons had solved the question paper staying in Hotel Geetanjali Paradise in Hazaribagh (Jharkhand). The charge-sheet further depicts that the petitioner had guided the candidates to memorize the answers of the solved question papers and lastly it has been stated that he had assisted in destroying the physical copies of solved question paper after the candidates left for their respective examination centres. Learned counsel for the petitioner has drawn the attention of this Court towards the amount which has been referred in the charge-sheet. The amount stated to have been received by the petitioner from co-accused namely Kumar Mangalam Vishnoi, was to the tune of Rs. 29,300/- said to be paid during the period December, 2023 to July, 2024.

8. Learned counsel for the petitioner further submits



that the allegations against the co-accused Kumar Mangalam Vishnoi was that he had arranged for the tickets of the present petitioner and others and under his influence MBBS students namely Sandeep Kumar (Petitioner), Deependra Sharma, Suresh Kuamr and Ishita had agreed to sit as dummy candidates in NEET, UG, 2024 examination. Learned counsel for the petitioner further submits that the allegation upon the petitioner is of solving the question papers, however, from the evidence on record and even on perusal of the charge-sheet there is no evidence to prove his involvement in the leak or solving of the question paper. Learned counsel for the petitioner has also referred the judgment of Hon'ble Supreme Court rendered in the case of **State of Rajasthan, Jaipur vs. Balchand @ Baliay** reported in **(1977) 4 SCC 308** wherein it has been held that the bail should not ordinarily be refused except where there are circumstances suggestive of fleeing from justice or thwarting the course of justice or creating other troubles in the shape of repeating offences, or intimidating witnesses.

9. Learned counsel for the petitioner submits that the co-accused Kumar Mangalam Vishnoi, who is alleged to have brought the petitioner to Hazaribagh to solve the leaked question papers and alleged to have paid the petitioner the considera-



tion amount for the same, has been granted bail by a Co-ordinate Bench of this Court *vide* order dated 09.04.2025 passed in Cr. Misc. No. 74464 of 2024 and co-accused Pankaj Kumar has also been granted bail *vide* order order dated 15.05.2025 passed in Cr. Misc. No. 9546 of 2025. It has lastly been submitted by learned counsel for the petitioner that the petitioner is in custody since 02.08.2024.

Submission of learned senior counsel for the CBI

10. Mrs. Nivedita Nirvikar, learned senior counsel for the Central Bureau of Investigation (CBI) has pointed out towards paragraphs 56, 58, 60 and 64 of the charge-sheet wherein the name of the petitioner, Sandeep Kumar had surfaced and evidence had disclosed that he was present at Raj Guest House situated at Hazaribagh (Jharkhand) and was tasked with solving of biology paper for the examinations. Learned senior counsel has further pointed out that during the course of investigation petitioner had joined along with Chandan Singh, Surbhi Kumari, Rahul Anand, Karan Jain, Raunak Raj and Deependra Sharma to instruct the candidates as how to answer the questions and clear their doubts.

11. Learned senior counsel for the CBI has also stated that the investigation has revealed that the petitioner and others



have also received payments from different accused persons and the petitioner had received payment of Rs. 29,300/- from Kumar Mangalam Vishnoi. Learned senior counsel has further pointed out that during the course of investigation it has been revealed that the Rajasthan group of solvers was led by Kumar Mangalam Vishnoi including Deependra Sharma, Sandeep Kumar (Petitioner), Suresh Kumar and Ishita and they had all come to Hazaribagh to solve the stolen question papers. The investigation has further revealed that accused Amit Kumar Singh also tasked Kumar Mangalam Vishnoi with finding other merited students who were willing to participate as dummy candidates in exchange of money. Learned senior counsel has stated that during the visit of Amit Kumar Singh at Bharatpur in Rajasthan the co-accused Kumar Mangalam Vishnoi had introduced the said Amit Kumar Singh with the petitioner and other co-accused persons from respective parties. The investigation has further revealed that the accused Kumar Mangalam Vishnoi boarded the train from Kota and the petitioner along with other accused persons had boarded the same train from Bharatpur and tickets were booked by Kumar Mangalam Vishnoi. Learned senior counsel for the CBI has stated that investigation had further revealed that at Raj Guest House situated at Hazaribagh (Jhark-



hand) where several solvers had joined to solve question papers of specific subjects and the petitioner was tasked with solving biology paper. It has been further submitted by learned senior counsel for the CBI that investigation has revealed that the petitioner was identified by Asheesh Kumar, Satyam Rath and Deepak Panigrahi at Raj Guest House situated at Hazaribagh (Jharkhand).

12. Learned senior counsel for the CBI has thus stated that due to the involvement in the commission of the crime by the petitioner he was arrested on 02.08.2024 and after conducting the detailed investigation, charge-sheet was filed against the petitioner on 05.10.2024 for offences alleged under Section 120-B read with Sections 109, 201, 380, 409, 411 and 420 IPC and Section 13(2) read with 13(1)(a) of PC Act, 1988. The learned senior counsel for the CBI has referred to various judgments passed by Hon'ble Supreme Court as well as by the Hon'ble High Court and especially referring to the case of **Gauri Shankar Singh vs. State of Bihar (Cr. Misc. No. 49149 of 2018)** wherein the Court had taken note of seriousness of the allegations against the accused like the petitioner and had observed as under:-

*"Nothing in this judgment
shall be construed as a finding of fact in*



relation to criminal proceedings arising from the leak of the question paper or other forms of malpractice. However, this ruling shall not preclude the prosecution of individuals found to have engaged in malpractice, and stringent action in accordance with the law shall be taken against any candidate involved in such malpractice."

13. The learned senior counsel for CBI further referring the judgment of Hon'ble Supreme Court in the case of **Vedpal vs. The State of NCT of Delhi (Appl No. 586 of 2024)** wherein it has observed that the accused like petitioner who is involved of resorting to dishonest means to obtain leaked examination papers or cheat during exams, it not only under-mines the merit-based selection process and has eroded the public trust in the fair and transparent examination system, stated, thus, the petitioner does not deserve the liberty of bail.

14. Learned senior counsel for the CBI has pointed out that similarly situated co-accused persons namely Chadan Singh *vide* order dated 14.02.205 passed in Cr. Misc. No. 79243 of 2024 and Kumar Yuvraj *vide* order dated 27.03.2025 passed in Cr. Misc. No. 16162 of 2025 have been denied bail by a Co-ordinate Bench of this Court.

Submission of learned Additional Public Prosecutor for the State.



15. Learned Additional Public Prosecutor for the State has opposed the prayer for bail of the petitioner and has supported the argument advanced on behalf of learned senior counsel for the CBI.

16. Considering the aforesaid submissions made by learned counsels for the respective parties and on going through the materials on record especially the charge-sheet, it is evident that the petitioner is an MBBS student of 1st year in Rajasthan and was hired by Kumar Mangalam Vishnoi, the co-accused and had a meagre amount of Rs. 29,300/- allegedly to solve the question papers at Hazaribagh was said to have received by him. I have considered the evidence which has come during the course of investigation and forms part of charge-sheet wherein it *prima facie* appears that the petitioner is not the main conspirator in the leak of the question papers, he has been alleged to have solved the question papers at Raj Guest House situated at Hazaribagh at the instance of the main conspirators. I have also considered the fact that the petitioner was not directly involved in the leak of examination papers and he may be beneficiary of some amount for the said transaction, however, he has remained in custody for more than nine months and co-accused persons with graver charge have been granted bail by this Hon'ble High



Court. It is observed that object of bail is to secure attendance of the accused in trial and in the present case the charge-sheet has already been submitted and therefore custody of the Petitioner seems to be not required.

17. This Court does not overlook the gravity of offence and the larger implications on the sanctity of public examination, the Principle of “bail is rule and jail is exception” must be applied.

18. The Court is also mindful of the Petitioner’s right under Article 21 of the Constitution of India to a fair and speedy trial, which may take a considerable time to conclude.

19. Taking into account the aforesaid facts and circumstances of the case and the fact that the petitioner has no criminal antecedent and is in custody since 02.08.2024 as well as similarly situated co-accused person have been granted bail by a Co-ordinate Bench of this Court, the petitioner above named, is directed to be released on bail on furnishing bail-bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge CBI-II, Patna in connection with Shastri Nagar P.S. Case No. 358 of 2024 and RC No. 221/2024/E0006-CBI/EO-III, subject to the the following conditions:-



(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be canceled by the Court concerned.

(iv) And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of the same or in the name of verification.

(v) The petitioner shall not leave the territory of India without permission of the



Court and shall hand over the passport, if any to the CBI.

(vi) The Petitioner shall co-operate with the further investigation of C.B.I. and shall make himself available as and when required by the Investigating agency.

20. It is made clear that if the petitioner violates any of the condition made upon him, the CBI is at liberty to approach this Hon'ble Court for cancellation of bail.

21. With the aforesaid observations, the present bail application stands allowed. Pending interlocutory application(s), if any, stands disposed off.

(Sourendra Pandey, J)

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