

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81949 of 2024

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

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Avinash Kumar @ Banty Son of Surendra Paswan Resident of B.C.C.L
Quarter No. LNH-260 Baniyahir No. 10 Near D.A.B. School Jharia, P.S.-
Jharia, Distt.- Dhanbad (Jharkhand)

... .. Petitioner/s

Versus

- 1. The Union of India, through the Director C.B.I., New Delhi Bihar
- 2. The D.I.G., C.B.I., Patna Bihar
- 3. The Superintendent of Police, C.B.I., Patna Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kr Singh No.1, Adv.
For the C.B.I. : Mr. Subodh Kumar Jha, Sr. C.G.C.

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

6 04-07-2025 Heard learned counsel for the petitioner and learned
counsel for the Central Bureau of Investigation.

2. The petitioner has preferred this application for
grant of regular bail in connection with Shastri Nagar P.S. Case
No. 358 of 2024 dated 23.06.2024 registered for the offences
punishable u/ss 407, 408, 409 and 120B of the Indian Penal
Code. Subsequently, the case was taken over by the C.B.I. and
re-registered as RC No. 221/2024/E0006/EO-III/ CBI, New
Delhi on 23.06.2024.

3. As per the prosecution case, on 05.05.2024, during
patrolling, the informant got information from his senior



officials that in the NEET Examination, 2024, an organized gang, some students and some examination conducting staffs, in collusion with one another has destroyed the integrity and sanctity of the chain of custody of the question papers and leaked the question papers. He was also informed that some members of the organized gang were moving in a white colour Renault Duster Car around the examination centre. For the verification of the same, on checking, when he intercepted the white Duster Car bearing Registration No. JH01BW0019, and three people who were trying to escape, were caught on the spot who told their names as 1. Sikandar Yadvendu, 2. Akhilesh Kumar and 3. Bittu Kumar. On searching the car, four xerox copies of Admit Cards of four candidates, namely, Abhishek Kumar, Shivnandan Kumar, Aayush Raj and Anurag Yadav were recovered from the shelf of the front seat and two mobile phones were recovered from the pocket of Sikandar Yadvendu. On interrogation regarding the question papers, he told that some of his students are appearing in the examination at the various centres whose setting were managed by Sanjeev Singh, Rocky and Nitesh and Amit Anand. They had taken some of the students to memorize the answers of the NEET question papers. After informing the same to his officials, when he reached DAV



Public School, BSEB Colony and verified about Ayush Raj, he came to know that he is in Room No. 18. After the examination got over, on interrogation of Ayush Raj, he told the informant that he was taken to Learn Boys Hostel and Learn Play School, a night before the examination and was handed over the question papers and the answer sheets and was asked to memorize alongwith 20-25 other students. On searching the student, NEET Admit Card, test booklet, Aadhar Card, Pan Card, Passport Photo and Postcard were recovered from his possession. Thereafter, the informant prepared the seizure list and on the basis of his self statement, the present case has been instituted.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the F.I.R. The name of the petitioner has surfaced in this case during the course of investigation. It is further submitted that the petitioner was not involved in the NEET Exam paper leak. The petitioner has not committed any offence in the manner as alleged and no any incriminating material has been found from his possession. Learned counsel has further submitted that the alleged offence is triable by the Magistrate. The co-accused person, Ayush Kumar



@ Ayush Raj has already been granted regular bail by a Coordinate Bench of this court vide order dated 24.01.2025 passed in Cr. Misc. No. 70959 of 2024. The other co-accused persons have already been granted regular bail by this court vide order dated 09.04.2025 passed in Cr. Misc. No. 65810/2024. Learned counsel has further submitted that not a single receipt or paper has been filed on behalf of the prosecution showing that the petitioner is involved in the alleged offence. The petitioner has no concern with the alleged offence. No any question papers and the solved papers have been recovered from the possession of petitioner and the co-accused persons. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 30.07.2024.

5. Learned counsel for the C.B.I. has vehemently opposed the bail petition of the petitioner and submitted that the petitioner has played active role in the alleged offence inasmuch as he is one of the co-conspirators in the alleged offence, having direct link with the main conspirator. The regular bail application of the co-accused person has already been rejected by a Coordinate Bench of this court vide order dated 27.03.2025 passed in Cr. Misc. No. 80486/2024. Learned counsel for the C.B.I. has further submitted that due to the involvement of the



petitioner, the charge-sheet has been submitted against the petitioner for the commission of offences punishable u/ss 120B r/w 201, 409, 380, 411, 420 and 109 of the I.P.C. It is further submitted that the nature of the crime and the involvement of the petitioner do not justify to grant of bail.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, C.B.I-II., Patna in connection with CBI Case as RC No. 221/2024/E0006/ EO-III, C.B.I., New Delhi arising out of Shastri Nagar P.S. Case No. 358 of 2024 with the conditions :-

(i) One of the bailors shall be a close relative of the petitioner who shall give genealogy as to how he is related to the petitioner.

(ii) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

(iii) The petitioner shall not intimidate and/or



influence the witnesses by inducement, fraud or promise.

(iv) The petitioner shall not leave the territory of India without permission of the Court and shall hand over the passport, if any to the C.B.I.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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