

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9546 of 2025

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

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Pankaj Kumar @ Aditya @ Sahil, Male, aged about 32 years, S/O Jaykant Singh, Resident of 1323, 3, No. Gandhi Nagar, Bermo, Sunday Bazar, P.S.- Gandhi Nagar. District- Bokaro, Jharkhand

... .. Petitioner

Versus

Central Bureau of Investigation Through Superintendent of Police, Patna Bihar

... .. Opposite Party

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Appearance :

For the Petitioner	:	Mr. Naresh Dikshit, Advocate, Mrs. Kalpana, Advocate and Mr. Harshvardhan, Advocate
For the C.B.I.	:	Mrs. Nivedita Nirvikar, Sr. Advocate, Mr. Pravin Kumar, Advocate, Mr. Amarshakti, Advocate and Mr. Ahashank Shekhar, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

7 15-05-2025 Heard learned counsel for the petitioner, learned senior counsel for the C.B.I. and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Shashtri Nagar P.S. Case No. 358 of 2024 dated 05.05.2024 (RC No. 22122024E0006-CBI/EO-III/New Delhi) registered for the offences punishable under Sections 407, 408, 409 and 120B of the I.P.C.

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, question 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 only on the basis of suspicion. The petitioner is not named in the F.I.R. and his name has surfaced in the present case only on the basis of suspicion. It is further submitted that the charge sheet has been submitted by the C.B.I. in this case but the final charge sheet has not been submitted as yet and as such the cognizance has not been taken against the petitioner and as such there is no value at all in respect to the charge sheet when the cognizance was not taken by the learned court below. It is further submitted that no incriminating article has been recovered from his possession. There is no specific allegation



against the petitioner. There is general and omnibus allegation that has been made against the petitioner. The petitioner has no concern with the alleged offence. It is submitted that the other co-accused person, namely, Sanjay Kumar, has already been granted bail by a Bench of this Court in Cr. Misc. No. 86099 of 2024 vide order dated 07.05.2025. No any question papers and the solved papers have been recovered from the possession of the petitioner and the co-accused persons and this case is triable by the Magistrate. No Whatsapp's number/printout of the solved papers has been filed on behalf of the C.B.I. which casts serious doubt on the prosecution case. The petitioner has two criminal antecedents and in one case he is on bail as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 17.07.2024.

5. Learned senior counsel for the C.B.I. and learned A.P.P. for the State have vehemently opposed the bail petition of the petitioner. Learned senior counsel for the C.B.I. has filed counter affidavit dated 07.03.2025 and the supplementary counter affidavit dated 05.05.2025. She further refers paragraph no. 17(ii) of the counter affidavit wherein she has stated that the investigation has further revealed that the theft of the NEET UG 2024 question paper had taken place from the control room of



OASIS School at Hazaribagh. At 8.02 A.M., the petitioner (A-20) discreetly entered the control room through the second door. Using a toolkit, he dismantled the hinges of the steel trunk and removed a plastic packet containing 72 question paper booklets. The petitioner (A-20) cut open the plastic covers, extracted question paper booklet number 6136488 and used a cutter and pen to unseal it. He photographed all the pages of the booklet, except for the first and last sheets. Afterwards, he resealed the papers in the original packets, removed the plastic strip, resealed the trunk and hid the toolkit near the almirah. At 9.23 A.M., the petitioner (A-20) exited the control room, briefly returned to the staff room and left the school ground by 9.24 A.M. She further refers paragraph no. 17 (vi) of the counter affidavit where she has stated that the summary of the evidence gathered against the petitioner is under:- He purchased the tools for opening the NTA Trunk box containing question papers of NEET UG 2024. He purchased iPhone that was used in the commission of a crime. He also arranged SIM on other person's ID which was used in the commission of a crime. He set up various places for candidates where solved paper was provided to the candidates at Hazaribagh, Bokaro, Patna and Bhubaneswar. He stole the NEET question papers and



photographed and forwarded it to Raj Guest House. He also got the paper distributed to the candidates at both the first and second floor. He made pdf of solved paper from his iPhone 13 and sent to Sindur on Shashikant Paswan (A-24). He also sent the solved scanned paper on Whatsapp Number of the accused Aman Kumar Singh, brother of Amit who was present at A.K. International Hotel, Hazaribagh. He also sent the same scanned solved question paper to Bokaro. He also sent the scanned solved paper to Bhubaneswar where Rahul who is the brother-in-law of Ghanshyam (brother of the petitioner (A-20) was handling the candidates alongwith two electricians Gautam and Vikas. He transported the candidates to Raj Guest House upon their arrival at Hazaribagh and Sindur. He conspired alongwith other accused persons for the destruction of evidence including the mobile phones used in the commission of the offence as well as the physical copies of solved papers. He had been operating the bank account of his brother Ghanshyam to and from which proceeds of crime was deposited and withdrawn including for commission of offence and payments by middleman and parents and payment to solvers. He has been identified by various candidates/witnesses. She further refers paragraph nos. 3, 4 and 5 of the supplementary counter affidavit. The petitioner is prime



accused in the leakage of NEET (UG) 2024 Question paper on 05.05.2024. The investigation revealed that the petitioner has broken and opened the sealed NTA trunk containing the NEET (UG) 2024 Question paper from Oasis School, Hazaribagh, Jharkhand in conspiracy with the accused officials of Oasis School as well as other conspirators. After getting the question paper solved, it was distributed to the candidates through their close associates/co-conspirators. During the course of investigation through various testimonies, involvement of the accused has been established, they are mentioned as follows:-

PW-385: Ishita Bishnoi. She has spoken about the accused Kumar Manglam, Amit Kumar Singh and other solvers Deependra and Sandeep with regard to their stay in Hazaribagh. She further stated that Sandeep and Deependra solved the question papers of NEET. PW-116: Guard Rohit Ram stopped him at the gate and inquired about his identity. He told him that he was from Innovative view and had come to meet Imtiyaz Alam (A-17), Vice Principal of Oasis School. To ascertain the same, Shri Rohit Ram asked Imtiyaz Alam (A-17) who was standing in front of Principal's office by shouting from the gate that this person has come to meet him. Imtiyaz Alam (A-17) indicated by waving his hand to allow the person to come in the



school. Accordingly, Rohit Ram allowed him to enter. At that time, another guard Prakash Thakur was also standing at the gate. PW-133: Sadul Hassan and also 164 Cr.PC statement of him (D-202). PW-134: Mohd. Shakeb Khan also 164 Cr.PC statement of him (D-201) will prove about the entry of accused Pankaj Kumar into the control room of Oasis School with the knowledge of accused Imtiyaz and Ahsanul Haque in the forenoon of 05.05.2024. Shakeb Khan came there and told Dr. Ahsanul Haque (A-16) that a person Pankaj Kumar, who told that he was from Innovative view was sitting in staff room since long. Shakeb Khan further stated that he had already informed the same to Centre Supdt. Imtiyaz Alam (A-17) and now informing to him also (Dr. Ahsanul Haque (A-16)). Dr. Ahsanul Haque (A-16) told him that he would look into it. Sadul Hasan also saw that the petitioner was sitting in the staff room. Therefore, he went to Imtiyaz Alam (A-17) and told him that Pankaj Kumar was still sitting in the staff room. Imtiyaz Alam (A-17) got irritated and shouted at Sadul Hasan as to why he and Shakeb were creating scene, leave it and he would handle it. TIP of accused Pankaj was conducted through witness Mohd. Shakeb Khan, the witness has identified positively. PW-261 Suraj Kumar is real brother of candidate Supriya Kumari (PW-



319). Accused Pankaj Kumar (A-20) had given assurance to Suraj Kumar that he will get her sister qualified with good score. Suraj Kumar and her sister Supriya Kumari came to Hazaribagh by their car on 4th May, 2024. They stayed in Maa Ambey Hotel, Bara Bazar, Hazaribagh. Subsequently, Suraj Kumar along with his sister Supriya Kumari went to Raj Guest House in the evening of 4th May, 2024 where both of them stayed until 12:30 PM on 05.05.2024. PW-384 Prakash Kr. Mishra stated that Pankaj had picked Hitankshi Mahapatra in vehicle No. JH-02AJ-2663 by Pankaj from Gandhi Maidan. The said vehicle was seized by CBI. Candidates namely, PW-304: Adarsh Mahakud, PW-306: Amlam Mishra, PW-307 Aniket Mishra, PW-308: Ansha Arya, PW-309: Arpita Sahoo, PW-312: Bimal Kumar Mehar, PW-315: Hitankshi Mahapatra, PW-317: Jyotiradiya Rout, PW-318: Kajal Kumari, PW-319: Supriya Kumari, PW-323: Sanaya Roy, PW-328: Abhishek Kumar, PW-332: Suranjana Sagarika Padi, P.W. 343: Sapna Kumari, P.W. 263: Amit Kumar and P.W. 368: Ashish Kumar. These candidates stayed at Raj Guest House. They have identified Pankaj and Shashikant having seen him at Raj Guest House, Hazaribagh. P.W. 255:- Parameshwar Prasad stated that the accused Raju Singh, who is managing the affairs of Raj Guest



House. He arranged cook by the name of Mukesh Verma (P.W. 256) for the candidates. Gaurav Raj identified the Raj Guest House, (Pankaj Kumar, Surendra Kumar and Surabhi Kumari).

6. Lastly, learned counsel for the C.B.I. has submitted that in view of the submissions made above, the prayer for bail application of the petitioner may kindly be rejected in the interest of justice and ongoing further investigation under Section 173(8) of the Cr.P.C.

7. Considering the aforesaid facts and circumstances of the case as well as the period of custody and the fact that other similarly situated co-accused persons have been granted bail, 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, CBI-II, Patna in connection with Shastri Nagar P.S. Case No. 358 of 2024 (R.C. No. 22122024E0006-CBI/EO-III/New Delhi with further 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 bonds of the petitioner are 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 with out permission of the court and shall hand over the passport, if any, to the C.B.I.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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