

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.16162 of 2025

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

Kumar Yuvraj Son of Law Kumar Resident OF 22/2A Gandhi Nagar Baidkaro  
Paschimi Gankre Bokaro Jharkhand, PS- Gandhinagar, District- Bokaro  
(Jharkhand)

... .. Petitioner/s

Versus

Central Bureau of Investigation through the ASP-CBI E0111, Delhi, New  
Delhi Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Singh  
For the Opposite Party/s : Mrs. Nivedita Nirvikar, Sr. Adv. SC, CBI  
: Mr. Pravin Kumar, Adv.  
: Mr. Sumit Kumar Bobna, Adv.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA  
ORAL ORDER

- 3      27-03-2025      1. Heard learned counsel for the petitioner and learned  
senior counsel for C.B.I.
2. The petitioner seeks regular bail in connection with  
Shastri Nagar PS case no. 358 of 2024 dated 05.05.2024,  
instituted for the offences punishable under Sections 407, 408,  
409, 120 of the Indian Penal Code. Subsequently, the case was  
taken over by the C.B.I. and re-registered as RC No. 221/ 2024/  
(E) 0006 on 23.06.2024 under Sections 120-B r/w Sections 407,  
408, 409 of the Indian Penal Code.
3. The prosecution case, as per the allegation made in  
the First Information Report, is that the informant, Inspector-



cum-SHO of Shastri Nagar 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 while 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, Shivrindan 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 examination centres i.e. D.A.V. Public School, B.S.E.B. Colony, Patna, where Ayush Raj was



taking the examination. After the examination was over, the police took him in custody and during interrogation, he revealed that on 04.05.2024, Ayush Raj 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.

4. Learned counsel for the petitioner argued that the First Information Report does not disclose any specific role of the petitioner in breaching the chain of custody of the question papers and no incriminating material at all, has been recovered from the possession of the petitioner. Learned counsel further submits that it is not the case of the prosecution that the petitioner was caught, while cheating or using unfair means during the NEET Examination or was involved in stealing the question paper. Learned counsel next submits that the petitioner has not been named in the FIR and his name transpired in the present case on the basis of statement made by one of the co-accused during the course of investigation and was arraigned as Accused No. 43 in the 4th supplementary final report filed by the CBI.



5. The sole allegation against him is that solved question papers of Chemistry and Physics were found on his mobile and were allegedly printed and distributed to the candidates at co-accused Pankaj Kumar's flat at Bokaro. However, there is no evidence to prove his involvement in the leak or solving of the question paper. The chargesheet confirms that the petitioner did not receive any monetary benefit, except Rs. 360, which was only meant for photocopying expenses.

6. He further submits that in the present case the charge sheet has already been filed against the petitioner and cognizance has also been taken by the learned CBI Court and keeping him further in custody would not serve any purpose.

7. On the other hand, learned counsel for the CBI, Mrs. Nivedita Nirvikar, vehemently opposes the prayer for bail and submits that upon investigation, substantial evidence came to be found against the petitioner. Referring to paragraph 12, 13, 14, 17, 18, 22 of 4<sup>th</sup> supplementary final report, learned counsel submits that investigation has revealed that accused-petitioner got close connection with Pankaj Kumar (accused no. 20) and he was also known to Amit Kumar (nephew of Pankaj Kumar). Accused-petitioner got involved in the scheme of things on 3<sup>rd</sup> May 2024 when Amit Kumar told him to go to the flat of Pankaj



Kumar at Bokaro and after getting the instructions, he went to Bokaro on 04.05.2024. It has further come into light that accused-petitioner took the candidates to the flat of Pankaj Kumar. Investigation further revealed that when the solved question paper could not be printed from the printer kept at the flat of Pankaj Kumar, one of the accused namely Sudip Kumar sent the solved question paper to the one-plus mobile phone of accused-petitioner who in turn went to the Digital Computer Zone about 500 meters away from the flat to get the print out and after some time, the accused-petitioner came back with four sets of print out of solved question papers of Chemistry and Physics which was then distributed to the candidates present at the flat. An amount of Rs. 360/- was paid by the accused-petitioner for xerox expenses through his phone pay account.

8. I have heard learned counsel for the parties and have gone through the materials available on record. In the present case, the petitioner's role is not limited only to providing logistic support to the candidates but he was in direct contact with the main conspirator Pankaj Kumar and Amit Kumar. The investigation has revealed that the accused-petitioner has actively participated by taking candidates to the flat of Pankaj Kumar at Bokaro and thereafter, when the solved question



papers could not be printed from the printer present at the flat, he got it printed from the nearby shop which was corroborated by the fact that he had paid sum of Rs. 360/- through his Phone-Pe account to the shop owner. He had also dropped the candidates to their respective examination centers. Investigation has further revealed that the candidates who were present at the flat has identified the accused-petitioner and also during the course of investigation, one-plus mobile handset of accused-petitioner was seized from his residence and solved question papers of NEET UG Examination, 2024, was recovered from the said seized phone.

9. Although, general rule is that bail is rule and jail is the exception, however, it is well settled that in the socio-economic offences like the offence in the present case which has larger social ramification, the aforesaid rule needs to be visited with a different approach in the matter of bail inasmuch as that the balance of interest needs to be drawn between accused liberty on one hand and societal interest on the other hand.

10. Considering the gravity of offence, evidences brought against the petitioner during investigation and taking into consideration the fact that offence of present kind shakes the societal conscience and undermines the public trust and



sanctity of the examination in which on an average over 20 lac candidates appear every year, I am not inclined to grant bail to the petitioner.

11. This application is, accordingly, rejected.

12. However, the petitioner may renew his prayer for bail after a period of six months if the trial does not show much progress.

**(Anil Kumar Sinha, J)**

HarshPandey/-

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