

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26081 of 2025

Arising Out of PS. Case No.-28 Year-2024 Thana- ECONOMIC OFFENCES, BIHAR
District- Patna

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Vishwajeet Kumar, son of Shiv Kumar Singh, resident of village -
Bhatandipur, P.O. - Bhatandipur, P.S.- Jandaha, District – Vaishali

... .. Petitioner

Versus

1. The State of Bihar
2. Economic Offences Unit, Patna.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr.Ajay Kumar Thakur, Advocate Ms. Vaishnavi Singh, Advocate Mr. Ritwik Thakur, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP
For the EOU	:	Mr. Rana Vikram Singh, Retained Counsel

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 06-08-2025 Heard Mr. Ajay Kumar Thakur, learned counsel for

the petitioner, Mr. Jharkhandi Upadhyay, learned APP for the

State and Mr. Rana Vikram Singh, learned counsel for the

Economic Offences Unit.

2. The petitioner seeks bail in connection with

Economic Offence P.S. Case No.28 of 2024 registered for the

offence under sections 318(4), 338, 336(3), 340(2), 61(2) read

with section 3(5) of the B.N.S., 2023, under sections 66, 66C

and 66D of the Information Technology Act, 2000 and under

sections 3 and 10 of the Bihar Public Examination Act, 2024.

3. As per the prosecution case, the informant



namely, Kumar Veer Dhirendra, had submitted a written report to the officer-In-charge of the Economic Offence Police Station, Patna stating therein that pursuant to the advertisement of the Bihar State Health Society, for the recruitment of 4,500 Community Health Officers, a computer based test was scheduled for 01.12.2024 and 02.12.2024. On 30.11.2024, the Economic Offence Unit, received confidential information that some malpractice is being done in the examination and thereafter, a team was constituted under the leadership of the D.I.G., EOU, Bihar for verifying the said information. While collecting intelligence, it was found that a cheating racket infiltrated the examination system and the owner of the examination centre, Superintendents, IT Managers, IT support staffs, invigilators, and employees of 'We Shine Tech', the company which was conducting the examination, were actively involved in facilitating this fraud.

3.1. Thereafter, on 01.12.2024 the EOU team raided Ekam Evolutions Private Limited Examination Centre, Ashopur and it was found that a proxy server was installed, enabling unauthorized remote access to the examination computers. The centre owner and IT Manager namely, Amit Kumar and Adarsh Raj were present there. Realizing the



situation, the officials of the E.O.U. secured the said place and proceeded to inspect other Examination Centres. Upon reaching at Wire Online Exam Centre, R.K. Puram, they found that even there the proxy server had been illegally connected to the network, enabling unauthorized remote access. Upon questioning, the Superintendent of the aforesaid Examination Centre namely, Ravi Bhushan failed to give any satisfactory reply regarding these irregularities. Thereafter, the team proceeded to ACME Institute of Information Technology, located on Ghordoud Road, Patna and after a technical inspection it was found that there was an unauthorized additional lease line and some articles were also recovered which indicated towards the fraudulent activities taking place there. When the suspected persons including the petitioner, who was deputed as an Examination Coordinator, did not disclose any detail regarding the scam, a search was conducted at all Examination Centres and the seized articles were sent for forensic examination.

3.2. Thereafter, another round of questioning was done at the centres and search was also conducted through videography and some articles were seized and four persons were apprehended. Thereafter, the team inspected and raided



several Examination Centres and also found irregularities and seized the incriminating articles and detained the suspects. After an intense interrogation, the apprehended persons, confessed to their involvement in the said crime during the examination of the Community Health Officer and they further gave their *modus operandi* that they had installed an unauthorized lease line at the Examination Centres, allowing them to remotely access the systems using software such as 'Ammyy Admin'. During the confession, the apprehended persons also disclosed that 12 Examination Centres across Patna were compromised in this manner.

3.3. On the basis of the aforesaid written report, the Police drew up a formal first information report and registered a case being Economic Offence Unit Patna P.S.Case No.28 of 2024 dated 02.12.2024.

4. Mr. Ajay Kumar Thakur, learned counsel for the petitioner has argued that there is no material against the petitioner, who has been deputed as Examination Coordinator in the Examination Centre, to connect him with the alleged crime. It has also been argued that the petitioner is not connected with the company namely, 'We Shine Tech', which had conducted the examination and co-accused Ranjeet Kumar, who is the



owner of the examination centre, has already been granted bail by the Court below.

5. In this case, a counter affidavit has been filed by the E.O.U. Paragraph nos. 6, 7, 9, 10, 15 and 17 of the aforesaid counter affidavit read as under:-

“6. That with respect to contention made in para no.7, it is humbly submitted that upon inspection at the examination centre ACME Institute of Information Technology, Ghordaur Road (Digha-Ashiana Road), an additional lease line was found to be used. Beside this, two additional laptops were found in the room of the Centre Superintendent namely Ranjeet Kumar at this examination centre and suspicious Whatsapp Chats made from the mobile of IT Manager namely Anupam Kumar Mishra were found, which made it clear that illegal malpractice had been committed at this examination centre as well. Center Owner namely Ranjeet Kumar, IT Manager namely Anupam Kumar Mishra, Exam coordinator namely Vishwajeet Kumar (petitioner) sent by the company, present at this examination centre were found involved in the fraud committed in the examination. After the arrest, during the malpractice in the exam, the petitioner i.e. Vishwajeet Kumar in his confessional statement admitted his involvement and said that it was his job to handle the server and monitor the exam. A



Proxy Server was connected to his server and malpractice was being committed in the exam.

7. *That with respect to contention made in para no. 8, it is humbly submitted that We Shine Tech Pvt. Ltd., Pune Company was selected and authorized by Bihar State Health Committee to conduct this examination. The petitioner i.e. Vishwajeet Kumar was sent by this company as Exam Coordinator at the examination center ACME Institute of Information Technology, who was responsible for proper conduct of the entire examination but he used a proxy server and committed malpractice in the examination.*
9. *That with respect to contention made in para no. 10, it is humbly submitted that We Shine Tech Pvt. Ltd. Company had selected 12 online examination centres for conducting the exam, which also included ACME Institute of Information Technology, where the petitioner i.e. Vishwajeet Kumar was the exam coordinator.*
10. *That with respect to contention made in para no. 11, it is humbly submitted that the petitioner while working as Exam Coordinator at the examination centre ACME Institute of Information Technology was also handling the server as IT, along with this, he was causing malpractice in the examination by connecting a proxy server to the server itself.*



15. That with respect to contention made in para no.16, it is humbly submitted that the petitioner while working as Exam Coordinator at the examination centre ACME Institute of Information Technology, was also handling the server as IT support. Beside this, by connecting a proxy server to the server, he was causing malprictice in the examination.

17. That with respect to contention made in para no. 18, it is humbly submitted that the petitioner was arrested at the examination centre ACME Institute of Information Technology after sufficient evidence was found on the charges of fraud and malpractice in the exam. He was involved in exam malpractice by connecting a proxy server to the server.”

6. From the aforesaid facts narrated in the counter affidavit filed by the E.O.U. together with the materials which have come in paragraph nos. 113, 168, 227 and 243 of the case diary, it appears that the petitioner is involved in the examination scam. The petitioner was appointed by the company as Coordinator of the Examination and the said company was conducting the examination and therefore, without the involvement, knowledge and participation of the petitioner, the entire examination scam could not have been committed. The proxy server and the unauthorized remote



access to the examination computers cannot be there without the knowledge and connivance of the petitioners.

7. Considering the aforesaid facts, I am not inclined to grant the petitioner privilege of regular bail. Accordingly, this bail application is rejected.

(Sandeep Kumar, J)

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