

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27867 of 2025

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

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Brajesh Kumar S/o Ram Naresh Prasad R/o Village and Post Office- Bansdih
(Basdih), P.S.- Tharthari, District- Nalanda

... .. Petitioner

Versus

The State of Bihar through Superintendent of Police, Economic Offences
Unit, Patna

... .. Opposite Party

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Appearance : -

For the Petitioner	:	Mr. Anshul, Sr. Advocate Mr. Birendra Kumar, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP
For the EOU	:	Mr. Vishwanath Prasad Singh, Sr. Advocate Mr. Vijay Anand, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 06-08-2025 Heard Mr. Anshul, learned Senior Counsel for the

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

and Mr. Vishwanath Prasad Singh, learned Senior 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 'Ammy Admin'. During the confession, the apprehended persons also disclosed that 12 Examination Centres across Patna were compromised in this manner. The raiding

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. Anshul, learned Senior Counsel for the petitioner has argued that the petitioner is the owner of one of the examination centres namely, NITAI Infotech and his name has come in the F.I.R. only on the basis of an audio clip in which the petitioner was talking about setting in the examination for recruitment to the post of Community Health Officer and this fact also also been published in the daily newspaper on 30.11.2024, save and except the aforesaid facts,



there no cogent materials against the petitioner. It has also been argued that without verifying the voice used in the said viral audio clip, the petitioner has been made accused only on suspicion, being the owner of one of the examination centre.

5. It has further been argued that no incriminating materials have been recovered either from the house of the petitioner or from his possession. The police has forcibly taken the signature of the petitioner on a blank paper during his custody and subsequently the same was used against the petitioner while implicating him in this case.

6. In this case, a counter affidavit has been filed by the E.O.U. Paragraph nos. 20, 21, 24 and 26 to 29 of the aforesaid counter affidavit read as under:-

“20. That it was found that for tampering the examination process this petitioner in his online centre illegally used one extra lease line and made it a proxy server and added the same in Home Network and kept it isolated and it was from his proxy server with the help of Ammy Admn, remote access software the computers used for examination by the candidates were taken on 'remote as the remote software was installed in the said computers and thereafter the system of the candidate was taken up on remote access from third location outside the online



examination centre and unauthorized access was done and thereafter in the Bhagwat Nagar, Patna in a rented accommodation of 'Ravi Bhushan' the solver gangs solved the question of C.H.O.

- 21. That thus, the actual candidate who was sitting in the online examination centre for the post of CHO practically had to do nothing as the questions were solved from third point by person other than the candidate through remote access to the computer.*
- 24. That it was found that the scheme for tampering the examination process and the entire activity was planned in Shanti Market area, Bhagwat Nagar, P.S. Agamkuan in a rented accommodation and at an online centre i.e. Ayodhya Infosol, Bhagwat Nagar, Near Samadhan Hospital, Behind NRL Petrol Pump, Patna and in the conspiracy the members of organized crime syndicate were involved.*
- 26. That as per the sleuths of the Ramkrishna Nagar Police Station audio of this petitioner Brajesh Kumar went viral in which he was talking about setting in the C.H.O. examination and even in this regard newspaper reporting was published on 30.11.2024 in Dainik Bhaskar and Prabhat Khabar in which Pariksha Mafia Ravibhushan's conversation on setting was noted. The date of examination was 1.12.2024.*



27. *That the mobile phones of this petitioner were seized from the petitioner and have been sent for FSL and the report is awaited.*
28. *That the audio relating to this petitioner was inquired into and verified by the police personnel and after verification action was taken against this petitioner.*
29. *That it is relevant to state here that the examination was scheduled on 01.12.2024 and even on the date of examination the Station House Officer of Ramkrishna Nagar inquired into from this petitioner and four others from his online examination centre, namely, Shubham Kumar (IT person), Manish Kumar (Invigilator), Shubham Kumar Son of Dilip Singh (Invigilator) and Dilip Kumar (Invigilator) after calling them in the police station and evidence against the petitioner surfaced. Later, they were inquired into by the Economic Offence Unit also.”*

7. From the aforesaid facts narrated in the counter affidavit filed by the E.O.U. together with the materials which have come in the case diary, it appears that the petitioner is involved in the examination scam. The proxy server and the unauthorized access to the examination computers cannot be there without the knowledge and connivance of the petitioner, who is the owner of the examination centre. It also appears that an organized syndicate was operating in different examination



centres across Patna in similar manner, and when the audio clip of the petitioner regarding setting in the examination went viral, the Police made an enquiry from the petitioner and other employees of the examination centre and after verifying the voice of the petitioner in the said audio clip, he was made an accused in the present case.

8. 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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