

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40616 of 2025

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

Amit Prasad Maharana Son of Bishwanath Maharani Resident of Renuwala House, Sai Nagar, P.S.- Pandra, District - Khurda, Bhubaneshwar, Odisha.

... .. Petitioner/s

Versus

The State of Bihar through C.B.I. Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 40615 of 2025
In
CRIMINAL MISCELLANEOUS No.80486 of 2024

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

Amit Prasad Maharana Son of Bishwanath Maharana R/o Village - Renuwala House, Sai Nagar, Pandra, Bhubaneshwar, Orissa.

... .. Petitioner/s

Versus

The State of Bihar through Central Bureau of Investigation, Bihar Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 40616 & 40615 of 2025)
For the Petitioner/s : Ms. Madhavi Diwan, Sr. Adv.
Mr.Apurv Harsh,
Mr. Manu Tripurari,
Ms. Aandrita Deb,
Mr. Raghu Raj Pratap,
Ms. Aditi Sahay
Ms. Jaya Singh,
Mr. Pranshu,
Mr. Sujit Kumar, Advocates.
For the UOI/CBI : Mr. Anand K. Ojha, Sr. Panel Counsel
Mr. Rajesh Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 27-06-2025 Heard learned Senior counsel for the petitioner and

Mr. Anand K. Ojha, learned Senior counsel appearing for Union

of India/CBI with Mr. Rajesh Kumar, Advocate.



2. Petitioner has renewed his prayer for regular bail which was earlier rejected *vide* order dated 27.03.2025 passed in Cr. Misc. No. 80486 of 2024. While rejecting the bail application of the petitioner on 27.03.2025, this Court granted liberty to the petitioner to renew his prayer for bail after six months if the trial does not show any progress. But prayer for bail has been renewed before completion of six months period.

3. The petitioner has been made accused in the NEET -2024 paper leak case.

4. A modification application bearing Cr. Misc. No. 40615 of 2025 has also been filed by the petitioner seeking modification of the order dated 27.03.2025 for reducing the period of six months for renewal of the prayer for bail.

5. Both modification application as well as fresh bail application filed before expiry of six months period have been heard together and are being disposed of by a common order.

6. Learned Senior counsel appearing for the petitioner argued that the petitioner's father, namely, Bishwanath Maharana is aged about 63 years, critically ill and has been diagnosed with Coronary Artery Disease, Severe Triple Vessel Disease etc. The petitioner being the only son is required to be there with his father to provide him emotional and logistical



support. He has been undergoing treatment at AIIMS, Delhi.

7. She has further submitted that similarly situated co-accused persons, namely, Ranjit Kumar Beura (Cr. Misc. No. 80356 of 2024) *vide* order dated 06.05.2025, Amit Kumar Singh (Cr. Misc. No. 89830 of 2024) *vide* order dated 07.05.2025 and Dhiren Kumar Panda (Cr. Misc. No. 79069 of 2024) *vide* order dated 02.05.2025 respectively have been enlarged on bail by a Co-ordinate Bench of this Court (Annexure P/4). Though the principle of parity is not absolute but the CBI did not challenge the grant of bail to the similarly situated co-accused persons by the Co-ordinate Bench, which means that CBI does not require the presence of the accused persons for further investigation. There is no flight risk of the petitioner and he has got no criminal antecedent.

8. It has further been argued that the petitioner is associated with Chiranjeevi Multiventue Private Limited along with co-accused Ranjit Kumar Beura and Dhiren Kumar Panda. The role of the petitioner is non-executive and non-controlling in nature but the only material that has come against him is transfer of Rs. Two Lacs in the bank account of the petitioner and certain statements made by the arrested persons that the petitioner facilitated and made arrangements in the commission



of crime through Career Academy Education Trust, Bhubaneswar. The petitioner is neither conspirator nor the prime beneficiary of the alleged offence. The petitioner was merely a facilitator or agent, allegedly acting under the instructions of one Amit Kumar Singh who has allegedly orchestrated the paper leak. The role attributed to the petitioner is stated to be limited to logistics and transportation and not in relation to actual transmission, possession or leakage of the question paper. No digital footprints, surveillance inputs or documentary evidence has been placed on record to establish the petitioner's physical presence or active participation in the core conspiracy. It has lastly been submitted that the petitioner is in custody since 31.07.2024.

9. On the other hand, learned Senior counsel appearing for CBI argued that the present bail application has been filed prematurely before expiry of six months' time, explicitly stipulated by this Court while rejecting the prayer for bail of the petitioner on merit *vide* order dated 27.03.2025. The parity cannot be claimed by the petitioner for the reason that bail application of the petitioner was rejected earlier on 27.03.2025 whereas bail applications filed by the other accused persons were allowed subsequently on 06.05.2025, 07.05.2025



and 02.05.2025 respectively. The bail application of the petitioner was rejected on merit and taking into consideration the gravity of the offence. Subsequent to the order passed by this Court on 27.03.2025, if bail granted to other accused persons by co-ordinate bench without considering the ground of rejection of the petitioner's bail may not be treated as a case of parity in favour of the petitioner. The hardship as claimed by the petitioner due to illness of his father cannot be a ground for grant of bail prior to expiry of the six months as stipulated by this Court. He further placed a maxim *dura lex sed lex* (law is harsh but it is the law).

10. I have heard the parties.

11. The petitioner had earlier approached this Court for bail which was dismissed on merit on 27.03.2025 with observation that the petitioner may renew his prayer for bail after a period of six months if the trial does not show any progress. The present bail application has been filed before the expiry of the said period of six months and approximately after three months of the order of rejection dated 27.03.2025.

12. As regards the arguments made by learned Senior counsel for the petitioner that petitioner's father is critically ill and has been diagnosed with Coronary Artery Disease, this



Court has perused the medical records placed by the petitioner. It appears from the documents that the petitioner's father was diagnosed with the said condition in the year 2018 and he underwent cardiac surgery on 01.12.2018 followed by discharge on 08.12.2018. There is no material placed on record to suggest any recent acute cardiac event or hospitalization necessitating the petitioner's urgent presence. The recently filed documents are limited to certain laboratory reports and OPD consultation slips, which merely indicate routine follow-up visits and outpatient medical attention, without disclosing any new or emergent development.

13. In the considered view of this Court, the documents produced by the petitioner do not establish any immediate medical emergency or a deterioration in the father's health since the passing of the earlier order dated 27.03.2025. This Court is not unmindful of the emotional strain and familial responsibilities arising out of a parent's serious illness, the same does not *ipso facto* qualify as a valid legal ground for modifying a bail rejection order passed on merits, particularly, when such order grants specific liberty to renew the prayer only after six months.

14. The ground of parity also cannot be a valid



ground to modify the earlier order and grant bail to the petitioner, it may be a relevant consideration in a fresh bail application filed at an appropriate stage, but cannot form the basis for modification of a judicial order already passed with express directions as to the timeline for renewal. Moreover, the bail application of the petitioner was rejected earlier and subsequent grant of bail to some other accused persons by the Co-ordinate Bench without discussing the ground of rejection of bail to the similarly situated persons earlier, cannot be a ground to claim parity. The orders passed by the Co-ordinate Benches, however, persuasive, cannot override the discipline imposed by a reasoned judicial order already passed by the previous Bench in the same case.

15. Learned Senior counsel for the petitioner has sought to re-visit the merits of the case by asserting the limited involvement of the petitioner, absence of digital or physical evidence linking him to the core conspiracy.

16. The merit of the case cannot be reconsidered again when the Court after consideration of all the facts and circumstances including gravity and social impact of the offence rejected the bail application of the petitioner by a reasoned order.



17. In view of the aforesaid discussions and without entering into the fresh appraisal of the merits of the case, this Court finds no ground to entertain the present bail application afresh at this stage. Accordingly, both the aforesaid applications i.e. Cr. Misc. Nos. 40616 and 40615 of 2025 are hereby rejected.

(Anil Kumar Sinha, J)

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