

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75682 of 2024

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

Ashutosh Kumar S/O Ramdev Prasad R/O Learn Play School and Learn Boys Hostel, Khemichak, P.S- Ramkrishna Nagar, Distt.- Patna. Permanent R/O Village- Machhriyawan, P.S- Fatuha, Distt.- Patna.

... .. Petitioner/s

Versus

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

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Adv.

Mr. Hemant Kumar, Adv.

For the Opposite Party/C.B.I.: Mrs. Nivedita Nirvikar, Sr. Adv.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

6 18-04-2025 1. Heard the parties.

2. This application for grant of regular bail arises out of Shastrinagar Police Station Case No. 358 of 2024 dated 05.05.2024 disclosing offences under Sections 407, 408, 409,120-B of the I.P.C. Subsequently the case was taken over by the CBI and re-registered as RC No. 221/2024/E0006, EO III, CBI, New Delhi on 23.06.2024 under Section 120-B r/w Sections 407, 408, 409 of the I.P.C.

3. The prosecution case as per the allegation made in the F.I.R. is that the informant Inspector- cum-SHO of Shastrinagar Police Station, Patna on 05.05.2024 during patrolling got 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 chain of custody of the question paper 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 white colour Renault Duster car bearing registration no. JH01BW0019 and arrested three persons from the car who disclosed their names as Sikandar Yadvendu, Akhilesh Kumar and Bittu Kumar. Upon search, admit cards of four candidates namely, Abhishek Kumar, Shivnandan Kumar, Aayush Raj and Anurag Yadav were recovered. Two mobile phones were also recovered from the pocket of the arrested co-accused / Sikandar Yadvendu. On interrogation regarding the question paper the accused - Sikandar Yadvendu 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 co-accused Ayush Kumar was taking the examination. After the examination was over, police took him in custody and during interrogation he revealed that on 04.05.2024 he 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 the competitive examination, all questions came from the same question booklet.

4. Learned senior counsel for the petitioner submits 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. He 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. The petitioner was not named in FIR and the name of the petitioner transpired in the present case during the course of investigation wherein he was arraigned as accused no. 4. He submits that petitioner was made accused in the present case on the sole allegation that he happens to be a tenant at the premises of the house where Learn Play School is situated but there is no evidence linking him to the NEET exam paper leak nor any incriminating material was found from his possession also no financial transactions have been found connecting him to the larger conspiracy. He next



submits that in the present case investigation against the petitioner is over and charge sheet has already been submitted, cognizance has been taken and petitioner is in custody since 28.06.2024 and keeping him in custody any further would not serve any purpose. He next submits that accused petitioner had no prior knowledge of the question paper leakage nor he had provided the premises to the other co-accused as he himself was a tenant of the said premises.

5. On the other hand, learned counsel for the Central Bureau of Investigation vehemently opposed the prayer for bail and submits that charge is serious in nature having larger societal ramifications and therefore he may not be granted the privilege of bail.

6. I have heard learned counsel for the parties and perused the materials on record. Upon perusal of the FIR and charge sheet it appears that though petitioner was not named in the FIR however during the course of investigation based on materials available against the petitioner he has been arraigned as accused no. 4, no direct material has come during investigation to suggest petitioner's active participation in the alleged paper leak. The petitioner's name has transpired in the present case merely because he happens to be a tenant at the premises of Learn Play



School and resides with his family and no other specific allegation is levelled against the petitioner. It appears that now the investigation is complete and final form (charge-sheet) has already been submitted by the C.B.I. in the Court, furthermore, cognizance has also been taken by the learned C.B.I. court. The petitioner remained in custody for about 10 months and detaining him further in custody is not going to serve any purpose. It is settled that the object of bail is to secure the attendance of the accused in the trial. There is no likelihood that the petitioner will abscond or tamper with the evidence. Accordingly, I am inclined to grant regular bail to the petitioner.

7. This application is accordingly allowed.

8. Let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Spl. Judge, CBI-II, Patna, in connection with RC No. 221/2024/E 0006 EO III, CBI, New Delhi arising out of Shastrinagar P.S. Case No. 358 of 2024 with further conditions as enumerated herein below :-

(1) The petitioner shall appear before the learned Trial Court on each and every date so fixed by the Court and in case of default on two consecutive dates the present privilege of regular bail may liable to be cancelled



(2) The petitioner shall not tamper with the evidence nor interfere with the investigation of the case which is going on against the other accused persons in any manner whatsoever.

(3) The petitioner shall not intimidate and / or influence the witnesses by inducement, fraud or promise.

(4) The petitioner shall not leave the territory of India without permission of the Court and shall hand over the passport,if any to the C.B.I.

9. It is made clear that if the petitioner violates any of the conditions imposed upon him, the C.B.I. shall be at liberty to approach this Court for cancellation of bail.

(Anil Kumar Sinha, J)

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