

IN THE HIGH COURT OF JUDICATURE AT PATNA
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 Village- Renuwala House, Sai nagar, Pandra Bhubaneswar Odisha

... .. Petitioner/s

Versus

The State of Bihar Through CBI Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Shrivastava, Adv.
	:	Mr. Apurv Harsh, Adv.
	:	Mr. Hemant Kumar, Adv.
	:	Mr. Manu Tripurari, Adv.
	:	Mr. Raghu Pratap, Adv.
	:	Mr. Astitva, Adv.
For the Opposite Party/s	:	Mr. Avanish Kumar Singh, Adv. SPP, CBI
	:	Mr. Mukul Kumar Singh, Adv.
	:	Mr. Tarush, Adv.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 627-03-2025
1. Heard learned counsel for the petitioner and learned 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. He further submits that the petitioner is the resident of Odisha while the alleged paper leak had occurred in the State of Jharkhand and Bihar. There is no evidence that the petitioner has either visited Hazaribagh, Jharkhand or Bihar during the relevant time. He further submits that there is no prospect of petitioner-accused



interfering with the trial or tampering with the evidence, therefore, he should be granted the privilege of regular bail inasmuch as that he is in custody since 31.07.2024.

5. Learned counsel further submits that petitioner is not the main conspirator as he was the agent of prime conspirator namely Amit Kumar Singh. He further submits that apart from money trail, no other corroborating evidence has come against the petitioner during the investigation. 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.

6. On the other hand, learned counsel for the CBI, Mr. Avanish Kumar Singh, submits that petitioner plays one of the key role as he was co-conspirator in the alleged offence, having direct link with the main conspirator. Petitioner was one of the Director and Secretary of the Trust namely Career Academy Education Trust, Bhubaneshwar, being run through its Managing Director namely Ranjit Kumar Beura. Under the guise of career counseling, the Trust directed their staff to contact the parents of NEET aspirants in lieu of achieving them high scores in the NEET UG Examination and taking monetary



benefits. Thereafter, the petitioner and two other co-accused had sent 17 candidates to Hazaribagh through their Trust. These candidates were accommodated at Raj Guest House and House at Sindur. He next submits that the petitioner transported candidates from various places in Bhubaneshwar to Hotel Treefo Palace in his own Scorpio vehicle, arranged a printer at hotel and also distributed the solved question papers to the candidates at Hotel Treefo Palace. He received Rs. 2,00,000/- from the parents of the candidates in his own account. He next submits that the aforesaid evidence which has come against the petitioner was further corroborated by the fact that the various candidates has identified him.

7. I have heard learned counsel for the parties and have gone through the materials available on record. From the charge sheet, it transpires that petitioner has played active role in the alleged offence inasmuch as that he was one of the co-conspirators having direct linkage with the prime conspirator namely Amit Kumar Singh. The charge sheet indicates the petitioner's active participation in the paper leak as at the relevant time, he was the Secretary of Career Academy Education Trust, Bhubaneshwar, and has arranged candidates from Bhubaneshwar in conspiracy with the other co-accused



and had sent them to Hazaribagh. He had received Rs. 2,00,000/- from the parents of the candidates in his own account. Petitioner also received Rs. 12 lacs from the parents of the candidates into the account of Chiranjeevi Multiventure Pvt. Ltd in which he is one of the Directors. He has also transported the candidates from Hotel Treefo Palace to their respective examination centers and also distributed the solved question papers to the candidates at Hotel Treefo Palace.

8. 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.

9. This application is, accordingly, rejected.

10. 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/-

U		T	
---	--	---	--

