

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79069 of 2024

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

Dhiren Kumar Panda S/o Late Vinayak Panda R/o Flat no. 604, A Block,
Krishna Tower, PS- Naya Palli, Dist-Bhubaneswar, Odisha

... .. Petitioner/s

Versus

The Union of India through C.B.I. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hemant Kumar, Adv.
Mr. Gaurav Prakash, Adv.
For the Opposite Party/s : Ms.Nivedita Nirvikar, Sr. Adv. (SC, CBI)
Mr. Avanish Kumar Singh, Adv. (SPP, CBI)

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

5 02-05-2025 Heard learned counsel for the petitioner and learned
counsel for the Central Bureau of Investigation.

2. The petitioner has preferred this application for grant of regular bail in connection with Shastri Nagar P.S. Case No. 358 of 2024 dated 23.06.2024 registered for the offences punishable u/ss 407, 408, 409 and 120B of the Indian Penal Code. Subsequently, the case was taken over by the C.B.I. and re-registered as RC No. 221/2024/E0006/EO-III/ CBI, New Delhi on 23.06.2024.

3. As per the prosecution case, on 05.05.2024, during patrolling, the informant got information from his senior officials that in the NEET Examination, 2024, an organized



gang, some students and some examination conducting staffs, in collusion with one another has destroyed the integrity and sanctity of the chain of custody of the question papers and leaked the question papers. He was also informed that some members of the organized gang were moving in a white colour Renault Duster Car around the examination centre. For the verification of the same, on checking, when he intercepted the white Duster Car bearing Registration No. JH01BW0019, and three people who were trying to escape, were caught on the spot who told their names as 1. Sikandar Yadvendu, 2. Akhilesh Kumar and 3. Bittu Kumar. On searching the car, four xerox copies of Admit Cards of four candidates, namely, Abhishek Kumar, Shivnandan Kumar, Aayush Raj and Anurag Yadav were recovered from the shelf of the front seat and two mobile phones were recovered from the pocket of Sikandar Yadvendu. On interrogation regarding the question papers, he told that some of his students are appearing in the examination at the various centres whose setting were managed by Sanjeev Singh, Rocky and Nitesh and Amit Anand. They had taken some of the students to memorize the answers of the NEET question papers. After informing the same to his officials, when he reached DAV Public School, BSEB Colony and verified about Ayush Raj, he came to know that he is in Room No. 18. After the examination got over, on interrogation of Ayush Raj, he told the informant



that he was taken to Learn Boys Hostel and Learn Play School, a night before the examination and was handed over the question papers and the answer sheets and was asked to memorize alongwith 20-25 other students. On searching the student, NEET Admit Card, question booklet, Aadhar Card, Pan Card, Passport Photo and Postcard were recovered from his possession. Thereafter, the informant prepared the seizure list and on the basis of his self statement, the present case has been instituted.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the F.I.R. The name of the petitioner has surfaced in this case during the course of investigation. It is further submitted that the petitioner was not involved in NEET Exam paper leak. The petitioner has not committed any offence in the manner as alleged and no any incriminating material has been found from his possession. Learned counsel has further submitted that the alleged offence is triable by the Magistrate. The co-accused person, Ayush Kumar @ Ayush Raj has already been granted regular bail by a Coordinate Bench of this court vide order dated 24.01.2025 passed in Cr. Misc. No. 70959 of 2024. The other co-accused persons have already been granted regular bail by this court vide order dated 09.04.2025 passed in Cr. Misc. No. 65810/2024.



Learned counsel has further submitted that not a single receipt or paper has been filed on behalf of the prosecution showing that the petitioner booked the room in the Hotel Treefo Palace. The petitioner has no concern with the alleged offence. No any question papers and the solved papers have been recovered from the possession of petitioner and the co-accused persons. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 31.07.2024.

5. Learned counsel for the C.B.I. has vehemently opposed the bail petition of the petitioner and submitted that the petitioner has played active role in the alleged offence inasmuch as that he is one of the co-conspirators in the alleged offence, having direct link with the main conspirator. The regular bail application of the co-accused person has already been rejected by a Coordinate Bench of this court vide order dated 27.03.2025 passed in Cr. Misc. No. 80486/2024. A counter affidavit is being filed on behalf of the Opposite Party CBI, EO-III, New Delhi and submitted in para 17 (xii) of the said counter affidavit that during the investigation, the evidence available against the petitioner, Dhiren Kumar Panda is that

- He is the treasurer of Career Academy Education Trust, Bhubaneswar. This academy is involved in counselling for the students seeking admission to



MBBS.

- He arranged candidates for Bhubaneswar under conspiracy with other accused persons Ranjit Kumar Beura (A-37) and Amit Prasad Maharana (A-38).
- He transported candidates from various places in Bhubaneshwar to Hotel Treefo Palace.
- He also transported candidates to Hotel Treefo Palace to their respective examination centres.
- He distributed the solved question papers to the candidates at Hotel Treefo Palace.
- He received Rs. 12 lakhs from parents of the candidates into the accounts of Chiranjeevi Multiventure Pvt. Ltd., in which he is one of the Directors.
- He paid Rs. 1000/- to caretaker of Hotel Treeffo for cleaning the 4 rooms which were booked for keeping the candidates.
- He was identified by various candidates who came to Hotel Treefo Palace.

6. Learned counsel for the C.B.I. has further submitted that due to the involvement of the petitioner, on



05.10.2024, the charge-sheet has been submitted against the petitioner for the commission of offences punishable u/ss 120B r/w 109, 201, 380, 409, 411 and 420 IPC and Sections 13(2) r/w 13(1)(a) of the PC Act, 1988 (as amended in year 2018) and under substantive offences u/s 109, 411 IPC. However, further investigation under Section 173(8) Cr.P.C. against other conspirators is continuing. It is further submitted that the nature of the crime and the involvement of the petitioner do not justify to grant of bail.

7. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, C.B.I-II., Patna in connection with CBI Case as RC No. 221/2024/E0006/ EO-III, C.B.I., New Delhi arising out of Shastri Nagar P.S. Case No. 358 of 2024 with the conditions :-

(i) One of the bailors shall be a close relative of the petitioner who shall give genealogy as to how he is related to the petitioner.

(ii) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable



cause, the bail bond of the petitioner is liable to be cancelled.

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

(iv) 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.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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