

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65810 of 2024

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

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1. Sikandar Yadavendu @ Sikandar Prasad Yadavendu S/o Late Bhuto Yadav R/o - Purho, P.S - Bithan, District - Samastipur, Presently residing at RPS More, P.S. - Rupaspur, Distt. - Patna
 2. Anuragh Yadav @ Anurag Yadav S/o Sanjeev Kumar R/o vill - Paridah, P.S. - Hasanpur, Distt. - Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Director General Economic Offence Unit, Gov. of Bihar Patna
2. The Central Bureau of Investigation through Deputy Inspector General of Police New Delhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Apurv Harsh, Adv. Mr. Manu Tripathi, Adv. Mr. Raghu Raj Pratap, Adv. Ms. Aditi Sahay, Adv. Mr. Pranshu, Adv. Mr. Hritik Anand, Adv. Ms. Jaya Singh, Adv. Ms. Astitva, Adv. Mr.Santosh Kumar Verma
For the Opposite Party/s :		Mrs. Nivedita Nirvikar, Sr.Adv.,SC, CBI Mr. Pravin Kumar, Adv.
For the E.O.U.	:	Mr.Vishwanath Pd. Sinha, Sr. Adv. Mr. Vijay Anand, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 09-04-2025 Heard learned counsel for the petitioners and learned counsel for the Central Bureau of Investigation.

2. The petitioners have 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 RC221/2024/E0006-CBI/EO-III/ New Delhi on 23.06.2024.

3. As per the prosecution case, the allegation made in the First Information Report, is that the informant, Inspector-cum-SHO of Shastinagar 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 white colour Renault Duster car bearing registration number JH 01BW-0019 and arrested three persons from the car who disclosed their names as Shikandar Yadwendu (petitioner), Akhilesh Kumar and Bittu Kumar. Upon search, admit cards of four candidates namely Abhishek Kumar, Shivnandan Kumar, Aayush Raj and Anurag Yadav (petitioner) were recovered. Two mobile phones were also recovered from the pocket of arrested petitioner, Shikandar Yadwendu. On interrogation regarding the question papers, the petitioner, Shikandar Yadwendu told that the students are taking



examination at various centres and arrangements for their examination were made by him. They had taken some of the students for memorizing the answers of NEET questions. Subsequently, the police party reached one of the examination centres i.e. D.A.V. Public School, B.S.E.B. Colony, Patna, where the co-accused, Ayush Raj was taking the examination. After the examination was over, the police took the co-accused, Ayush Raj in custody and during interrogation, he revealed that on 04.05.2024, 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 petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. Learned counsel has further submitted that the petitioner no. 2 happens to be the nephew of the petitioner no. 1. It is further submitted that during the course of search, no any incriminating material or any question paper or any answer booklet was recovered from the possession of the petitioners save and except the confessional statement recorded by police which can not be treated to be as evidence in view of



the provisions of Evidence Act. Learned counsel has further submitted that the recovery of Admit Cards were not on conscious or unconscious possession of the petitioners. 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 petitioners have no concern with the alleged offence. The petitioner no. 1 has one criminal antecedent as stated in para 2 of the supplementary affidavit filed on behalf of the petitioners whereas the petitioner no. 2 has no criminal antecedent as stated in para 3 of the bail petition. The petitioners are in custody since 06.05.2024.

5. Learned counsel for the C.B.I. has vehemently opposed the bail petition of the petitioners and submitted that the admit card of the petitioner Anurag Yadav was found in the vehicle of the petitioner Sikandar Yadavendu who was one of the member of breaching sanctity of the NEET Examination. A counter affidavit is being filed on behalf of the Opposite Party CBI, EO-III, New Delhi in which he has submitted in para 19 sub-clause (vii) of the counter affidavit that the investigation has revealed that in furtherance to the said criminal conspiracy, on



04.05.2024, the petitioner Sikandar Yadvendu coordinated with the co-accused persons Akhilesh Kumar (F/o Ayush Raj), Avadesh Kumar (F/o Abhishek Kumar) and Shivnandan Kumar and directed them to bring the candidates near St. Karen's High School at around 10:30 P.M. on 04.05.2024. The call logs of mobile phone of the petitioner Sikandar Yadvendu confirm that he was in contact with Akhilesh Kumar, Avadhesh Kumar, Anurag Yadav (petitioner) and Shiv Nandan Kumar. As per para 19 (XI), after conducting detailed investigation by CBI, a charge-sheet was filed against the petitioners for the commission of offences punishable u/ss 120B r/w 201, 409, 380, 411, 420 and 109 I.P.C. and Sections 13(2) r/s 13(1)(a) of PC Act and substantive offences u/s 201 and 411 of the I.P.C. against the petitioner Sikandar Yadvendu and u/s 420 and 411 of the I.P.C. against the petitioner Anurag Yadav.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioners above-named, are directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Magistrate, C.B.I., Patna in connection with CBI Case No. RC221/2024/E0006-CBI/ EO-III, 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 petitioners who shall give genealogy as to how he is related to the petitioners.

(ii) The petitioners are 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 bonds of the petitioners are liable to be cancelled.

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

(iv) The petitioners 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.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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