

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81196 of 2024

Arising Out of PS. Case No.-358 Year-2024 Thana- SHASTRINAGAR District- Patna

Amit Anand S/O Achyutanand Singh R/O Mohalla - Mangal Bazar, P.S-
Basudevpur (Kotwali), District- Munger, Bihar

... .. Petitioner/s

Versus

The State of Bihar through Superintendent of Police , CBI,Patna. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Chaudhary, Sr. Adv.
	:	Mr. Ravi Bhardwaj, Adv.
For the Opposite Party/s	:	Mrs.Nivedita Nirvikar, Sr. Adv.
	:	Mr. Pravin Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

7 19-03-2025 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. This application, for grant of regular bail, arises out of Shastri Nagar Police Station Case No. 358 of 2024, dated 05.05.2024, disclosing offences under Section 407, 408, 409, 120-B of the Indian Penal Code. Subsequently, the case was taken over by the CBI 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 Shastrinagar 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, Shivnandan 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 co-accused Ayush Kumar 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, petitioner 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 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. 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. The petitioner was not named in the FIR, and the case against him is based mainly on confessional statements of co-accused, which has no evidentiary value. The only allegation is that he parked his car near a hotel and transported some candidates, but no evidence links him to the NEET exam leak. No incriminating material was found from his possession, no financial transactions connect him to the crime and his call records were not examined. The alleged car was neither seized nor confirmed to belong to him. Petitioner is



in custody since 30.07.2024 and at best can be said to be foot soldier.

5. On the other hand, learned senior counsel for the CBI, Mrs. Nivedita Nirvikar, vehemently opposes the prayer for bail and submits that upon the investigation, substantial evidence came to be found against the petitioner. She further argued that investigation has revealed that the petitioner is close associate of the accused Nitish Kumar. The petitioner drove the car in which candidate Rashi Singh and four male candidates were there and all the candidates were handed over to co-accused Nitish Kumar. Nitish Kumar escorted the four male candidates to Learn Play School and Rashi Singh was dropped by the petitioner. The car of the petitioner has also been identified in the CCTV footage of Grand Celebration Hotel which has been seized by the Bihar Police.

6. I have heard learned counsel for the parties and perused the materials on record. The petitioner provided logistic support to the candidates and dropped them at Learn Play School. 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. This Court has been informed by learned counsel for the C.B.I. that cognizance of offence against the



petitioner has already been taken. The petitioner remained in custody for more than 08 months and detaining him further in custody is not going to serve any purpose. It is settled that 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 bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount, each to the satisfaction of learned Court of Exclusive Magistrate CBI, Patna, in connection with RC No. 221/2024/(E) 0006, with further conditions as enumerated hereinbelow :-

(1) The petitioner shall appear before the learned Trial Court on each and every date so fixed by the Court and in default of 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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