

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82628 of 2024

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

Raushan Kumar, Male, aged about 35 years, S/o Awadesh Prasad, R/o Haripur, P.S. - Egarsarai, Distt.- Nalanda, at present Ghurdaur Mod, S.S.B., Camp, Nepalnagar, P.S. - Rajivnagar, Distt.- Patna

... .. Petitioner

Versus

- 1. The State of Bihar
- 2. The Union Of India through C.B.I.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Manoj Kumar Singh, Advocate
For the C.B.I.	:	Mr. Avanish Kumar Singh, Advocate, S.P.P. C.B.I., Mr. Mukul Kumar Singh, Advocate and Mr. Tarush, Advocate
For the State	:	Mr. Anil Kumar Singh No. 1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

9 07-05-2025 Heard learned counsel for the petitioner, learned counsel for the C.B.I. and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Shashtri Nagar P.S. Case No. 358 of 2024 dated 05.05.2024 registered for the offences punishable under Sections 407, 408, 409 and 120B of the I.P.C., later on C.B.I. re-registered this F.I.R. as R.C. No. 2212024E0006-CBI/EO-III/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. and his name has surfaced in the present case on the basis of the confessional statement of the co-accused Sikandar Yadvendu. which has got no evidentiary value in the eyes of law. It is further submitted that no incriminating article has been recovered from his possession. The mobile phones claimed to be of the petitioner is not on the name of the petitioner. It is further submitted that on 06.05.2024, the NEET Examination Board itself issued the public notice that no incident of any question paper leak has



been occurred. It is submitted that the other co-accused person, namely, Dhiren Kumar Panda, has already been granted bail by a Bench of this Court vide Cr. Misc. No. 79069 of 2024 under order dated 02.05.2025. No any question papers and the solved papers have been recovered from the possession of the petitioner and this case is triable by the Magistrate. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 06.05.2024.

5. Learned counsel for the C.B.I. and learned A.P.P. for the State have vehemently opposed the bail petition of the petitioner. Learned senior counsel for the C.B.I. has filed counter affidavit dated 15.04.2025 and in paragraph no. 13 of the said counter affidavit, it has been mentioned that the investigation revealed that the petitioner, Middleman, directed the candidate Anshuman Yadav to Learn Play School, Khemnichak, Ramkrishna Nagar P.S., Patna, on the night of 04.05.2024. On 05.05.2024, Anshuman Yadav received a copy of the solved NEET UG 2024 Exam question paper. The petitioner was arrested by Patna Police on 05.05.2024 and two mobile phones were seized. The OPPO Phone contained images of Anshuman Yadav's NEET UG 2024 Admit Card, indicating receipt by the petitioner. Anshuman Yadav also provided his 10th



and 12th Mark Sheets and signed blank PNB cheques to the petitioner.

6. Lastly, learned counsel for the C.B.I. has submitted that in view of the submissions made above, the prayer for bail application of the petitioner may kindly be rejected in the interest of justice and ongoing further investigation under Section 173(8) of the Cr.P.C.

7. Considering the aforesaid facts and circumstances of the case as well as the period of custody and the fact that other similarly situated co-accused persons have been granted bail, 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, CBI-II, Patna in connection with Shashtri Nagar P.S. Case No. 358 of 2024 and C.B.I. R.C. No. 2212024E0006-CBI/EO-III/New Delhi dated 23.06.2024 with further 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 bonds of the petitioner are 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 with out 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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