

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85615 of 2024

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

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Aman Kumar Singh Son of Shri Umeshwar Kumar Singh Resident of Bindu Bhawan, Bapu Nagar, Karmik Nagar, Near BCCL Colony, P.S.- Sarai Dhela, District- Dhanbad, Dhanbad - 826004, Jharkhand

... .. Petitioner/s

Versus

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

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Samrendra

For the Opposite Party/s : Mrs. Nivedita Nirvikar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

4 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 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, 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 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.

5. He further submits that Petitioner is innocent and has not committed the offence in the manner alleged and has been falsely implicated in this case, he is not even named in the FIR and his name transpired during the course of investigation. The petitioner's house in Dhanbad was searched by the CBI on 02.07.2024, and his mobile phone was seized, but no incriminating material was found. He was arrested on 03.07.2024 and later remanded to police custody until 11.07.2024, after which he was placed in judicial custody. Petitioner was made accused in the present case only because he happens to be the brother of one of the co-accused, Amit Kumar



Singh. He submits that Petitioner was arrested by the CBI out of whims, when he refused to disclose whereabouts of his brother Amit Kumar Singh without finding any incriminating materials against him.

6. Learned counsel further submits that the petitioner's low exam score (155/720) disproves the claim that he received solved question papers. He also suffers from bronchial asthma and lacks proper medical care in jail. Given that the investigation is complete, he poses no flight risk or threat to tampering with the evidence.

7. Citing precedents of Hon'ble Supreme Court and various High Courts emphasizing Bail as the norm and Jail as an exception under Article 21 of the Constitution, the petitioner seeks bail from this Hon'ble Court.

8. On the other hand, learned counsel for the Central Bureau of Investigation (C.B.I) Mrs. Nivedita Nirvikar, vehemently opposed the prayer for bail and submits that upon investigation, substantial evidence came to be found against the petitioner. Referring to para 77, 78 and 79 of 1st supplementary chargesheet, She submits that Petitioner-Accused hatched criminal conspiracy with his brother Amit Kumar Singh for leaking of question paper. In furtherance of said conspiracy, he



also applied for the NEET UG 2024 examination and went to Hotel A.K. International, Hazaribagh where his brother Amit Kumar Singh was already staying. Petitioner received solved paper of Biology at 10:18 AM and Physics question paper at 11:00 AM in his mobile. He read the ticked answers and left for his examination centre D.A.V. School, Hazaribagh at around 12:30 PM. Further, upon search of his house, various items including Apple iPhone 15 were seized and analysis of the phone revealed that Accused had received the solved question paper of Biology and Physics in his handset and during that time, he was present in Hotel A.K. International, Hazaribagh.

9. She further submits that the offence of present kind have larger social ramifications and accused-petitioner should not be given benefit of Bail.

10. Regards being had to the submissions made by the parties and taking into consideration the fact 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. Similarly situated person i.e., candidates of NEET UG-2024 Examination have been granted bail by this Court in Cr. Misc. No. 70959 of 2024 and Cr. Misc. No.79155 of 2024. 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.

11. This application is, accordingly, allowed.

12. 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 Special Judge, CBI-II, 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.

13. 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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