

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85087 of 2024

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

Kumar Shanu @ Sinku S/O Sachidanand Prasad R/O- Vill- Jamalpur, P.S- Athmalgola, Distt- Patna. At Present, R/O Room No. 182, Hostel No. 9, AIIMS, Phulwarisharif, Distt.- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Centra Bureau of Investigation, CGO Complex, New Delhi. Delhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ansul, Sr. Advocate
		Mrs. Priyanka Singh, Advocate
For the Opposite Party/s	:	Mr.Abhimanyu Sharma, A.P.P
For the C.B.I	:	Mr. Subodh Kumar Jha, Sr. C.G.C

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

11 04-07-2025 Heard learned counsel for the petitioner, learned APP for the State 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 have 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, test 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 the 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 is indulged in the said crime. 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 18.07.2024.

5. Learned counsel for the C.B.I. as well as learned A.P.P. for the State have vehemently opposed the bail petition of the petitioner and submitted that the petitioner has played active role in the alleged offence inasmuch as 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 that the investigation has revealed that the petitioner Kumar Shanu is a student of MBBS course at AIIMS, Patna and he is a member of solvers gang of leaked question paper of the NEET UG 2024. He had participated in solving the question paper at the instance of main conspirators at Raj Guest House, Ramnagar, Hazaribagh, Jharkhand in the forenoon of 05.05.2024. Further, the petitioner Kumar Shanu was arrested by CBI on 18.07.2024 and subsequently, on 05.10.2024 a charge sheet was filed against the petitioner under sections 120B r/w 109, 201, 380, 409, 411 and 420 of the IPC and Sections 13(2) r/w 13(1)(a) of the PC Act, 1988 (as amended in year 2018) and under substantive offence of Section 109 and 411 of the IPC. It is further submitted that the nature of the crime and the involvement of the petitioner do not justify to grant of bail.

6. 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.*

7. The application stands allowed.

(Chandra Prakash Singh, J)

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