

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86515 of 2024

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

Susant Kumar Mohanty Son of Sanjay Kumar Mohanty R/o Majhisahi,
Dolomandap, Badagada, Bhubaneshwar, Near Patitapaban Temple, P.S
Badagada, Brit Colony, District- Khurda, Odisha 751018

... .. Petitioner/s

Versus

CENTRAL BUREAU OF INVESTIGATION (CBI), through its Director,
Economic Offences-III, New Delhi New Delhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Dayanand Singh
For the Opposite Party/s :	Mrs. Nivedita Nirvikar, Sr. Advocate
	Mr. Avanish Kumar Singh Advocate, SPP, CBI
	Mr. Mukul Kr. Singh, Advocate
	Mr. Tarush, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

7 08-05-2025 Heard learned counsel for the petitioner and learned
counsel for the Central Bureau of Investigation.

2. The petitioner has preferred this application for grant of regular bail in connection with Spl. Case No. 05 of 2024 arising out of RC 6(E) of 2024 dated 23.06.2024 registered for the offences punishable u/ss 120B, 407, 408 and 409 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, 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 FIR. The name of the petitioner has sprung up during the course of the investigation on the basis of the confessional statement of the co-accused Dhiren Kumar Panda. It is further submitted that the the co-accused Dhiren Kumar Panda is acquainted to the petitioner and the said Dhiren Kumar Panda asked the petitioner to book a hotel and the petitioner booked a hotel, namely, Treefo Palace, Bhubaneshwar only on the request of Dhiren Kumar Panda and as such the petitioner had absolutely no knowledge about the purpose of booking of such hotel. The allegation against the petitioner is only of booking the hotel. The petitioner booked the hotel on good faith and the petitioner has no



connection whatsoever with any offence. It is further submitted that the petitioner has been falsely implicated on the basis of confessional statement of Akshay Kumar Malik who has stated that he has given Rs. 10 lakhs to the petitioner in cash whereas neither Akshay Kumar Malik has been made accused nor any money has been recovered from the petitioner. The prosecution did not produce any document regarding the stay of the petitioner and the co-accused persons at the said Hotel or Guest House. No any question papers and the solved papers have been recovered from the possession of petitioner and the co-accused persons. There is nothing except the confessional statement recorded by police which can not be treated 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 petitioner. 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 petitioner has no concern with the alleged offence. The petitioner has no criminal antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 05.08.2024.

5. Learned counsel for the C.B.I. has vehemently



opposed the bail petition of the petitioner and submitted that the investigation has revealed that the petitioner /accused Susant Kumar Mohanty (A-40) is the co-conspirator of prime accused gang. Prime accused gang had conspired and stolen the NEET UG 2024 question papers from Oasis School, Hazaribagh, Jharkhand and got them solved with the help of co-accused solvers and distributed to the candidates in the forenoon of 05.05.2024 in lieu of money. The Petitioner / accused Susant Kumar Mohanty (A-40) arranged accommodation at Bhubaneswar for accommodating candidates and distributing the solved question papers of NEET UG 2024. Due to his involvement in the commission of crime, he was arrested on 04.08.2024. Subsequently after conducting detailed investigation, on 05.10.2024, a charge-sheet was filed against 21 accused persons including petitioner / accused Susanta Kumar Mohanty (A-40) U/s. 120-B r/w 109, 201, 380, 409, 411, 420 IPC and Section 13 (2) r/w 13 (1) (a) of PC Act, 1988 (as amended in year 2018) and under substantive offence of section 109 IPC Further investigation is kept open against other conspirators U/s. 173(8) Cr.PC. The evidence has come on record against the petitioner / accused Susant Kumar Mohanty (A-40) as under:

(i) The investigation has revealed that on May 2, 2024, Ranjit Kumar Beura (A-37) and Debasis Panigrahi



traveled to Hazaribagh, while Dhiren Kumar Panda (A-39) and Amit Prasad Maharana (A-38) remained in Bhubaneswar. On May 3, 2024, Amit Prasad Maharana (A-38) received a phone call from Ranjit Kumar Beura (A-37), who instructed him and Dhiren Kumar Panda (A-39) to secure a location or house in Bhubaneswar for the candidates on May 4 and 5, 2024, to aid and distribute the solved NEET exam question papers before the commencement of the examination. Consequently, Dhiren Kumar Panda tasked the petitioner / accused Susanta Kumar Mohanty (A-40) for arranging the location, leading the petitioner /accused Susanta Kumar Mohanty (A-40) to contact his friend, Sh. Sansad Nayak, the owner of Hotel Treefo Palace, Bhubaneswar.

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 Exclusive Magistrate, C.B.I.- II, Patna in connection Spl. Case No. 05 of 2024 arising out of RC 6(E) of 2024, with the following 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 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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