

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79243 of 2024

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

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Chandan Singh Son of Dhananjay Singh Resident of Village Muraklap, P Darauli
District-Siwan

... ... Petitioner/s

Versus

1. The State of Bihar

2. The Central Bureau of Investigation through the Deputy Inspector General Bihar

... ... Opposite Party/s

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Acts/Sections/Rules:

- *Sections 407, 408, 409, 120, 120B of the Indian Penal Code*

Petition - filed to seek bail registered for the offences punishable under Sections 407, 408, 409, 120 of the Indian Penal Code. case was taken over by the Central Bureau of Investigation and re-registered as RC under Sections 120-B read with Sections 407, 408, 409 of the Indian Penal Code.

Held - It appears that the petitioner was the leader of the solver gang, who arranged 5-6 academically strong persons, studying in MBBS course and after receiving money from other conspirator, the leaked question papers were solved by different group in a hotel(Para 21)

Role of the petitioner and other members of the solver gang is the key role in the commission of the crime and attaining the final object of the crime. Had the leaked question paper been not solved by the academically strong candidate, the offence of this nature would not have been committed, jeopardizing the career and future of thousands of medical aspirants. The activities of solver gangs severely undermine the sanctity and integrity of the examination process. (Para 22)

The petitioner and others polluted the fairness and integrity of the medical examination, undermining the trust of the candidates in the examination process. (Para 23)

The allegation against the petitioner is serious in nature, having deep rooted conspiracy(Para 24)

Application is dismissed. (Para 25)

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Appearance :

For the Petitioner/s : Mr.Kunal Tiwary
For the State : Mr.Abhimanyu Sharma
For the CBI : Mr. Avinash Kumar Singh
Mr. Ambar Narayan
Ms. Barkha
Mr. Mukul Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 814-02-2025
- 1. Heard learned Counsel for the petitioner, learned
Additional Public Prosecutor for the State and learned
Counsel for the Central Bureau of Investigation.
 - 2. The petitioner seeks regular bail in connection with
Shastri Nagar Police Station Case No. 358 of 2024, dated
05.05.2024, registered for the offences punishable under
Sections 407, 408, 409, 120 of the Indian Penal Code.
Subsequently, the case was taken over by the Central
Bureau of Investigation and re-registered as RC No.
221/2024/ (E) 0006 on 23.06.2024 under Sections 120-B
read with 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 Examination, 2024, an organized gang, having 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. The informant got the information that some members of the gang were moving in a white coloured Renault Duster car. The white-coloured Renault Duster car, bearing registration number JH 01BW-0019, was intercepted, from where three persons were arrested, 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, co-accused Shikandar Yadwendu told that the students are



taking examination at various centres and arrangements for their examination was made by him. Some appearing students of the NEET UG Examination, 2024, were kept in a school for memorizing the answers of NEET questions.

4. Subsequently, the police reached at one of the examination centres, i.e. D.A.V. Public School, B.S.E.B. Colony, Patna, where one of the co-accused and examinee, namely, Ayush Raj, was taking the examination. When the examination was over, the police took him in custody and during interrogation, he revealed that on 04.05.2024, he, 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 the competitive examination, all questions came from the same question booklet.
5. So far as the present petitioner is concerned, his name has come up during the investigation, in the second supplementary charge sheet filed by the Central Bureau of Investigation, under Section 173(8) of the Code of Criminal Procedure, 1973, as head of Patna group of



solver gang and he has been arraigned as accused no. 29.

6. The petitioner has been chargesheeted under Section 120-B read with Sections 109, 201, 380, 409, 411, 420 of the Indian Penal Code and Sections 13 (2) read with Section 13(1)(a) of the Prevention of Corruption Act, 1988.
7. Learned Counsel for the petitioner submits that the petitioner is not named in the First Information Report and his name has transpired in the present case during investigation in the second supplementary charge sheet as Solver. The petitioner is a student, studying in the third year of MBBS course in AIIMS, Patna. The petitioner never solved the question paper of NEET UG Examination, 2024 at Raj Guest House, Ram Nagar, Hazaribagh, as alleged and he had gone to worship at Rajrappa Temple on 05.05.2024 and in course of journey, the petitioner had stayed at Raj Guest House. The petitioner is a meritorious student and has a bright career as a doctor. The petitioner has not committed any offence in the manner alleged and neither any incriminating material nor any question paper has been found in his possession. No evidence has been collected during investigation and no material has been brought in the



charge sheet showing that the petitioner has received any money for solving the question papers. He further submits that charge sheet has already been submitted and cognizance has been taken by the competent court. The petitioner is in custody since 18.07.2024 and keeping him in custody any further would not serve any purpose. The entire career of the petitioner is at stake and due to judicial custody, he is not able to participate in the MBBS examination and in the examination of the second year, the petitioner appeared from jail.

8. On the other hand, learned Counsel for the Central Bureau of Investigation vehemently opposes the prayer for bail and submits that there were three group of solver gang from different states and cities, namely, Patna, Rajasthan and Chennai. The petitioner was the leader of solver gang, particularly Patna group of solvers was led by the petitioner and consisted of Kumar Shanu, Rahul Anand, Karan Jain, Surbhi Kumari, Raunak Raj and Amit Kumar. Amit kumar had also brought his college mate Sanoj Kumar Yadav with him at Hazaribagh. These students, except Sanoj Kumar Yadav, went to Raj Guest House, Hazaribagh on 05.05.2024 and solved the NEET



UG question paper.

9. The investigation revealed that co-accused Sanjay Kumar, in the year 2021-2022, approached the petitioner with the offer to appear as a dummy candidate in the NEET UG Examination, promising to pay Rs. 15 lakhs in return for securing a Government seat. For the NEET UG Examination, 2024, co-accused Sanjay Kumar tasked the petitioner for arranging dummy candidates. Under the direction of Sanjay Kumar, the petitioner managed other co-accused persons to sit as dummy candidates. Co-accused Sanjay Kumar took the petitioner and other candidates to a photo studio at Phulwarisharif near AIIMS, Patna, for taking their photographs for filling the NEET 2024 examination forms. Co-accused persons, namely, Raunak Raj and Amit Kumar, forwarded their photographs and signatures directly to co-accused Sanjay Kumar through whatsapp. The said co-accused Sanjay Kumar arranged the entire process, including paying for the photographs and collecting their signatures for the NEET application forms. Subsequently, they changed their decision to appear as dummy candidates in the NEET UG Examination, 2024.



10. At the instance of co-accused Sanjay Kumar, the petitioner, along with others, traveled to Koderma by Ganga Damodar Express; while another solver, Surbhi Kumari, traveled to Koderma directly from Ranchi, solver Amit Kumar flew from Chennai to Ranchi on 02.05.2024 by Indigo flight, and reached Koderma on 03.05.2024, co-accused and solver Raunak Raj also flew from Mumbai to Ranchi and then reached to Hazaribagh, co-accused and solver Karan Jain travelled from Patna to Koderma by train on ticket booked by co-accused Kumar Abhishek for coming to Hazaribagh on 04.05.2024.
11. The investigation further discloses that the petitioner, Kumar Shanu and Rahul Anand, along with Kumar Abhishek and Tinku Kumar, stayed at Ramson Hotel in Koderma. They later moved to Hotel Tara Tower, where they stayed till 03.05.2024. On 03.05.2024, the group shifted to Sri Vinayak Hotel in Hazaribagh. All the hotel bookings were made by co-accused persons, Sanjay Kumar and Kumar Abhishek.
12. The investigation further reveals that at Raj Guest House, solvers were assigned specific subjects to solve. The petitioner, along with Rahul Anand and Amit Kumar were



responsible for solving the physics paper, Karan Jain was given the responsibility to handle all the difficult and time consuming questions. Solver Kumar Shanu along with solvers Deependra Sharma and Sandeep were given the responsibility to solve Biology paper; whereas solvers, Surbhi Kumari and Raunak Raj, were given the responsibility of solving chemistry paper.

13. Following the solving sessions, the petitioner and co-accused Surbhi Kumari were taken downstairs to instruct the waiting candidates on how to remember the answers and clear their doubts. Shortly thereafter, solvers Rahul Anand, Karan Jain, Raunak Raj, Deependra Sharma and Sandeep joined them to perform the same task. Thereafter, they were asked to destroy the solved question papers.
14. All the members of the solver gang were paid money in instalments and the petitioner received a total payment of Rs. 7,19,000/- from Kumar Abhishek and Sanjay Kumar. Co-accused Sanjay Kumar transferred Rs. 70,000/- to the petitioner from his bank account and co-accused Kumar Abhishek also transferred Rs. 6,49,000/- to the petitioner from his account at the behest of co-accused Sanjay



Kumar.

15. In nut shell, the petitioner arranged six solvers for Raj Guest House, Hazaribagh, in conspiracy with co- accused Sanjay Kumar, who is an associate of Amit Kumar Singh. The location of the petitioner was found to be in Hazaribagh on 3rd to 5th May, 2024. The petitioner, along with other accused persons (solvers), solved the question paper.
16. Learned Counsel for the Central Bureau of Investigation further submits that the investigation of the case has not completed as yet and the main conspirator and mastermind of NEET UG Examination Paper Leak Scam is still to be arrested. As such, release of the petitioner on bail may hamper the further investigation of the case.
17. In reply, learned Counsel for the petitioner submits that there is merely a statement by the Central Bureau of Investigation that money was sent through bank transfer; whereas there is no material in the charge sheet to substantiate this fact.
18. I have heard learned Counsel for the parties and perused the materials on record.
19. In the context of paper leaks, solver gangs play a



significant role in solving the leaked question papers, which is subsequently distributed and disseminated by another gang members. Solver gang provide wrongful gain or wrongful assistance to one or more examinees of such public examination. The insiders of paper leak provide leaked question papers to solver gang and once the leaked question papers are obtained, the solver gang works on solving the question paper.

20. The solver gangs are consisted of individuals, who are academically strong and capable of providing accurate answers. After solving the leaked question paper, it is distributed amongst a group of examinees, who are willing to pay for the same. This distribution can happen through various means, including social media platforms, messaging apps, or even in person.
21. From the material collected during investigation, as reflected from the charge sheet, it appears that the petitioner was the leader of the solver gang, who arranged 5-6 academically strong persons, studying in MBBS course and after receiving money from other conspirator, the leaked question papers were solved by different group in a hotel near Hazaribagh. It has come during



investigation that the question paper was leaked from Oasis School, Hazaribagh.

22. Considering the aforesaid, I am of the considered view that the role of the petitioner and other members of the solver gang is the key role in the commission of the crime and attaining the final object of the crime. Had the leaked question paper been not solved by the academically strong candidate, the offence of this nature would not have been committed, jeopardizing the career and future of thousands of medical aspirants. The activities of solver gangs severely undermine the sanctity and integrity of the examination process.

23. In the present case, the solver gang has operated in an organized manner by adopting corrupt practices in connivance with other members of the gang for monetary and wrongful gains. The petitioner and other members of the solver gang created an unfair advantage for those candidates, who can afford to pay for the answers, while honest candidates were put in disadvantageous condition. The petitioner and others polluted the fairness and integrity of the medical examination, undermining the trust of the candidates in the examination process.



24. The allegation against the petitioner is serious in nature, having deep rooted conspiracy. Accordingly, I am not inclined to grant regular bail to the petitioner keeping in mind the aforesaid discussion, including the nature of accusation and the evidence collected in support thereof.

25.This application is, accordingly, dismissed

AFR/
Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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