

IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B.A. No. 1611 of 2026

Dr. Daya Ram @ Daya Ram, aged about 67 years, S/o Molayi Ram,
resident of 97/2 Sector A/3, Sushant Golf City, PO and PS- Sushant
Golf City, District- Lucknow, Uttar Pradesh -226030.

... ... **Petitioner**

Versus

Union of India through Central Bureau of Investigation

... ... **Opp. Party**

CORAM :HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY

For the Petitioner : Mr. Rajiv Sinha, Advocate

Ms. Shreesha Sinha, Advocate

For the CBI : Mr. Deepak Kr. Bharti, Advocate

03/16.04.2026

Heard the learned counsel appearing on behalf of the parties.

2. The petitioner submits that the petitioner apprehends his arrest in connection with R.C. No.02/2026 for the offence(s) registered under Sections 120(B) read with Sections 420/ 468/ 471 of the Indian Penal Code and under Section 7 of the P.C. Act (as amended in 2018), pending in the court of learned Special Judge CBI, Ranchi.

3. Learned counsel for the petitioner submits that all the alleged offences, including the alleged offence under the ***Prevention of Corruption Act (P.C. Act)***, are punishable up-to maximum period of 7 years. He has further submitted that the FIR was instituted on 02.01.2026 after obtaining the required sanction under Section 17-A of the P.C. Act. He submits that a notice under Section 35(3) of the BNSS, 2023 was issued to the petitioner on 03.02.2026 and he appeared on 09.02.2026 and on the very same day, his mobile was also seized. Learned counsel submits that under such circumstances, the petitioner was apprehending his arrest, therefore, he has preferred the anticipatory bail application.

4. Learned counsel has further submitted that petitioner was Administrative Officer in CIP, Kanke, Ranchi during the period from 2000 to January, 2013 ; Director, CIP, Kanke, Ranchi from January, 2013 till 14.02.2021 and ultimately, superannuated in the month of January, 2024.

5. He has submitted that the nature of various allegation based upon the FIR has been mentioned in Para-5 of the anticipatory bail application and there are altogether six different allegations and the explanation with respect to each one of them has been mentioned in Para-6 of the anticipatory bail application. Learned counsel submits that most of the allegations do not relate to the period when the petitioner was at the helm of affair as the Director of CIP, Kanke, Ranchi and the allegations are primarily relating to scam in recruitment made in CIP, Kanke, Ranchi.

6. Learned counsel further submits that a search and seizure was also done in the house of petitioner at Lukhnow and the CBI only recovered photocopies of some of the documents and the same by itself is not sufficient to connect the petitioner with the alleged offence.

7. He has submitted that one disciplinary proceeding was also initiated against the petitioner and the documents so seized were primarily relating to the disciplinary proceedings and essentially photocopies of the documents.

Though the seizure memo has not been annexed along with the anticipatory bail application, but the learned counsel, upon a query of this Court, has produced a copy of the Seizure Memo which reveals that only some of the seized documents were mentioned as photocopies.

8. Learned counsel has referred to the judgment passed by the Hon'ble Supreme Court in the case of ***Arnesh Kumar vs. State of Bihar & Anr., reported in 2014(8) SCC 273*** and also the judgment passed in the case of ***Sumit vs. State of U.P. & Anr. arising out of SLP (Crl.) No.1536 of 2026*** and has submitted that there is no need for any custodial interrogation and the petitioner has been co-operating in the investigation.

9. ***Learned counsel for the opposite party-CBI*** has opposed the prayer and has submitted that there are serious allegations against the petitioner that the petitioner in connivance with the co-accused who were placed at different position in CIP, committed scam in the recruitment process. He submits that even the basic qualification for recruitment was also relaxed and changed when the petitioner was at the helm of the affairs.

10. He has further submitted that the petitioner is in a position to influence the beneficiaries as well as the co-accused in the present case if he is permitted to be enlarged on anticipatory bail. Further the very fact that huge documents were recovered from the possession of the petitioner at his residence at Lucknow after his retirement itself indicates that the petitioner is still in a position to tamper with the evidence.

11. He has submitted that the details of the seizure have been mentioned in the counter-affidavit which are directly linked with the alleged offence in the present case.

12. During course of the argument, learned counsel has submitted that the Seizure memo does not indicate that the documents were photocopies although some of the seized documents were photocopies. The details of the seizure have been mentioned in the counter-affidavit.

13. He has relied upon the judgment rendered by the Hon'ble Supreme Court in the case of ***Devinder Kumar Bansal vs. The State of Punjab passed in Petition for Special Leave to Appeal (Crl.) No.3247 of 2025*** and he has referred to Paragraphs 21 to 24 to submit that unless a clear case of absence of any material against the petitioner is made out, the petitioner is not entitled for grant of anticipatory bail. Paragraphs 21 to 24 of the aforesaid judgment are quoted as under:-

“21. The parameters for grant of anticipatory bail in a serious offence like corruption are required to be 10 satisfied. Anticipatory bail can be granted only in exceptional circumstances where the Court is prima facie of the view that the applicant has been falsely enroped in the crime or the allegations are politically motivated or are frivolous. So far as the case at hand is concerned, it cannot be said that any exceptional circumstances have been made out by the petitioner accused for grant of anticipatory bail and there is no frivolity in the prosecution.

22. In the aforesaid context, we may refer to a pronouncement in Central Bureau of Investigation v. V. Vijay Sai Reddy reported in (2013) 7 Scale 15, wherein this Court expressed thus:

“28. While granting bail, the court has to keep in mind the nature of accusation, the nature of evidence in support thereof, the severity of the punishment which conviction will entail, the character of the accused, circumstances which

are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger interests of the public/State and other similar considerations. It has also to be kept in mind that for the purpose of granting bail, the Legislature has used the words "reasonable grounds for believing" instead of "the evidence" which means the Court dealing with the grant of bail can only satisfy it as to whether there is a genuine case against the accused and that the prosecution will be able to produce prima facie evidence in support of the charge. It is not expected, at this stage, to have the evidence establishing the guilt of the accused beyond reasonable doubt." (Emphasis supplied)

23. The presumption of innocence, by itself, cannot be the sole consideration for grant of anticipatory bail. The presumption of innocence is one of the considerations, which the court should keep in mind while considering the plea for anticipatory bail. The salutary rule is to balance the cause of the accused and the cause of public justice. Over solicitous homage to the accused's liberty can, sometimes, defeat the cause of public justice.

24. If liberty is to be denied to an accused to ensure corruption free society, then the courts should not hesitate in denying such liberty. Where overwhelming considerations in the nature aforesaid require denial of anticipatory bail, it has to be denied. It is altogether a different thing to say that once the investigation is over and charge-sheet is filed, the court may consider to grant regular bail to a public servant - accused of indulging in corruption."

14. He has further submitted that all the persons who were involved are accused in the case and due sanction was also obtained not only from the Central Government but also from the State Government.

15. The records of this case reveals that based on written complaint of Dr. Tarun Kumar, Director, Central Institute of Psychiatry (CIP), Ranchi, a regular case RC0242026A0002 was registered on 02.01.2026 against (1) Dr. Daya Ram, the then Director Professor (2) Dr. Basudeb Das, the then Director Professor (3) Mr. Nirmalya Chakraborty, Sr. Nursing Officer (4) Mr. Nadeem Ahmad, Head Clerk and (5) Unknown Public Servant(s) & Private Persons.

It is alleged in the complaint that the above-mentioned officials of CIP, Ranchi, along with unknown, private persons, manipulated the

recruitment process of various posts including Nursing Officers (in 2021, recruitment to 20 posts) by violating laid down recruitment rules and due procedure, without knowledge and approval of the competent authority, to favour specific candidates. It is alleged that a high proportion of selected candidates, who are related to serving or retired CIP employees or else to private contractors working at CIP, raised doubts about the integrity of the recruitment process.

In another instance, also pertaining to recruitment of Nursing Officers (in 2022, recruitment to 45 posts), a high concentration of selections from certain centres similarly suggests manipulation of the recruitment process. Further, it is alleged that in order to tamper with the evidence of their involvement, the suspect officials manipulated the tracking of OMR sheets used in the recruitment examinations, for instance, by omitting to include a space in the OMR sheet for the invigilators' signatures, by failing to maintain records of issued and unused OMR sheets etc. It is alleged that the examination process lacked transparency and fairness, casting doubt on the integrity of the entire recruitment process.

It is alleged in the complaint that the accused persons, in criminal conspiracy with each other, altered age limits and qualification in job advertisements by manipulating Recruitment Rules (RRs) to favour specific candidates. They utilized the services of a dubious private agency (Edutest Solutions) and disqualified candidates based on non-transparent criteria during physical and skill tests.

It is further alleged that recruitments involved use of fake date of birth and experience certificates, suspecting favoritism and a lack of proper follow-up on credential verification. Further, the aforesaid accused persons appointed candidates, who did not meet essential qualifications. It was alleged that Dr. Daya Ram (petitioner), who was Administrative Officer (AO) at CIP from 2000 to Jan. 2013 and Director, CIP from Jan. 2013 to Feb. 2021, in connivance with Mr. Nadim Ahmed (Head Clerk) was involved in violation of Recruitment Rules, where age limit of 25 years was increased to 30 years in the advertisement issued in 2015 for Nursing Officer exam, 2021 in order to benefit certain candidates. Dr. Daya Ram (the petitioner), who was, Director, CIP from Jan. 2013 to Feb. 2021 was likely involved in question paper leak in the Nursing

Tutor Exam 2017, in connivance with Mr. Nirmalya Chakraborty, Senior Nursing Officer.

It is further alleged that Dr. Daya Ram (the petitioner) , in violation of well-established CVC guidelines regarding rotation of staff from sensitive posts, did not rotate Mr. Chakraborty out of sensitive Computer Dept. for nearly 20 years and Mr. Nadim Ahmed from sensitive Establishment Section for approx.20 years, despite receiving complaints/ feedback against these officials.

16. As per the ***counter affidavit***, a search in the Residence of Dr. Daya Ram, R/o Sector-A, Pocket-3, Qtr. No.97/2, Sushant Golf City, District- Lucknow, UP 226030 was conducted in compliance of Search warrant under Section 96 BNSS dated 21.01.2026 issued by Hon'ble Court of Special Judge, CBI, Ranchi, by the CBI team, by observing all legal formalities. It has been stated that nine number of items were seized from the said residence of the petitioner through the Search List dated 23.01.2026, which include, inter alia, list of applicants for post of Staff Nurse (14 pages), List of Candidates who appeared in Interview on 07.05.2015 for Ward Attendants, Selection of Psychiatric Nursing Tutor, List of Candidates who appeared in Interview on 14.09.2015, List of Candidates who appeared in Interview / Practical on 20.01.2015, List of Candidates who appeared in Interview on 09.01.2015, List of Candidates who appeared in Interview on 22.01.2015, List of Candidates who appeared in Entrance Test on 04.10.2017, List of Candidates who appeared in Interview on 16.09.2015, etc. (59 sheets) and Papers consisting Recruitment Rules/ correspondence made by Dr. D. Ram, including Answer Sheet evaluation Committee of the Psychiatric Nursing Tutor held on 30.01.2017, which is part of the allegation (190 sheets).

17. Considering the nature of allegations with regard to irregularities in recruitments made in CIP, Kanke, Ranchi, whose details have been mentioned above alleging therein direct involvement of the petitioner in the matter of irregularities in recruitments in CIP, Ranchi and also the fact that the documents of CIP, Ranchi relating to recruitment were also seized from the possession of the petitioner at his residence i.e. Lucknow, U.P. and that too after his retirement, this Court is of the considered view that if the petitioner is granted anticipatory

bail, there is every likelihood that he may tamper with the evidence and due process of law. As such, prayer for anticipatory bail of the petitioner above named is rejected.

18. However, the petitioner is directed to surrender before the learned Trial Court latest by 29.04.2026.

19. Let this order be communicated to the court concerned through FAX/e-mail.

(Anubha Rawat Choudhary, J.)

Dated: 16.04.2026
Uploaded on:
sandeep/-