

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52611 of 2024

Arising Out of PS. Case No.-35 Year-2024 Thana- Cyber P.S. District- Muzaffarpur

Nehal Kumar S/O Pramod Prasad @ Pramod Kumar R/O Village- Dhekaha Bazar, P.S- Muffasil, Distt.- Motihari.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 53106 of 2024

Arising Out of PS. Case No.-35 Year-2024 Thana- Cyber P.S. District- Muzaffarpur

Ravi Roshan @ Ravi Raushan @ Ravi Raushan Kumar Son Of Pramod Kumar Sah Resident Of Village - Paigambarpur, P.S. - Siwayee Patti (siwaipatti), District - Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 54060 of 2024

Arising Out of PS. Case No.-35 Year-2024 Thana- Cyber P.S. District- Muzaffarpur

Murari Kumar S/O Sunil Yadav R/O Village-Bakharia,PS- Majhauriya, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 54258 of 2024

Arising Out of PS. Case No.-35 Year-2024 Thana- Cyber P.S. District- Muzaffarpur

Raushan Kumar S/o Sanjay Prasad R/o Vill - Roopdeeh, P.S. - Muffasil, Distt. - East Champaran

... .. Petitioner/s



Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 55032 of 2024

Arising Out of PS. Case No.-35 Year-2024 Thana- Cyber P.S. District- Muzaffarpur

Nishant Kumar S/O Ganesh Prasad @ Ganesh Kumar R/O Village-
Kashipakri,PS- Rajepur,Distt- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 52611 of 2024)
For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP
(In CRIMINAL MISCELLANEOUS No. 53106 of 2024)
For the Petitioner/s : Mr. Pramod Kumar Singh, Advocate
For the Opposite Party/s : Mr. Umanath Mishra, APP
(In CRIMINAL MISCELLANEOUS No. 54060 of 2024)
For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Md. Ataur Rahman, APP
(In CRIMINAL MISCELLANEOUS No. 54258 of 2024)
For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Pranav Kumar, APP
(In CRIMINAL MISCELLANEOUS No. 55032 of 2024)
For the Petitioner/s : Mr. Ashok Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 11-09-2024 Heard learned Advocate(s) for the petitioners and the

learned APP(s) for the State.

2. Considering the fact that all the matters are arising

out of similar P.S. Case, with the consent of the parties all the

matters are being heard together and disposed off by this

common order.

3. The petitioners seek regular bail, who are in



custody in connection with Cyber P.S. Case No.35 of 2024 registered for the offence punishable under Sections 419, 420, 120(B) of the Indian Penal Code and Sections 66(C) 66(D) of the Information Technology Act.

4. The allegation against the petitioners is of involvement in Cyber crime. The police on a confidential information raided the house of one Ayush Kumar. On search, several incriminating materials, including electronic gadgets and laptops, besides SBI Debit Cards & Credit Cards were recovered. On the disclosure made by apprehended persons, the police conducted raid in the house of the petitioners and other accused persons from where the petitioners were apprehended and other electronic gadgets and incriminating materials including the SIM cards, Ipad, Bank Accounts and several cheques of different Banks were recovered.

5. Learned Advocate for the petitioners submitted that mere recovery of the electronic gadgets without there being any allegation that as to in what manner they have been used for the purposes of crime, no offence is made out. It is next contended that even for the sake of argument the allegation of recovery is taken to be true, no case much less is made out under Section 420 of the Indian Penal Code. So far Section 66(C) and 66(D) of the Information Technology Act are concerned, the same is



bailable. The entire case is based upon recovery of electronic gadgets but admittedly there is no complaint by any of the person who has been alleged to be victim of the Cyber crime. Taking note of the aforesaid fact, co-accused persons have been allowed the privilege of regular bail by this Court, as well as, the learned Co-ordinate Bench in Cr. Misc. Nos.50662 of 2024 and 54424 of 2024, the copies of which have been placed on record. It is also the contention of the petitioners that they all have fair antecedent, except petitioner in Cr. Misc. Nos.54060 of 2024, who is having one criminal antecedent. The petitioners have been incarcerated since 10.04.2024. Now the investigation of the crime is complete and the charge-sheet has been submitted.

6. On the other hand, learned APPs for the State vehemently opposes the bail application and submits that recovery of huge quantity of electronic gadgets, devices and the different ATMs and cheques of different Bank clearly suggest that the petitioners are members of a gang who are involved in cyber crime.

7. Regard being had to the submissions made on behalf of the parties and considering the fact that the investigation of the crime is complete and the charge-sheet has been submitted, coupled with the fact that there is neither any



complaint nor FIR disclosing that the petitioners have anyhow indulged in cheating or defrauding any person as also the fact that other co-accused persons have been allowed with the privilege of bail, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate(West) Muzaffarpur in connection with Cyber P.S. Case No.35 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that the petitioners have concealed their criminal antecedent, the



court below shall take immediate step for cancelling the bail bond of the petitioners. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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