

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68966 of 2024

Arising Out of PS. Case No.-49 Year-2024 Thana- Cyber P.S. District- Nawada

Rajaram Kumar Son of Ramashish Singh Resident of Village - Apasad, Police
Station - Warisaliganj, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shankar Kumar, Adv.

For the Opposite Party/s : Mr.Ram Bilash Roy Raman, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 22-11-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Nawada Cyber P.S. Case No. 49 of 2024 instituted for the
offences under Sections 303(2), 318(2), 318(4), 319(2),
336(2), 336(3), 340(2), 61(2) of Bhartiya Nyay Sanhita
(BNS) and Sections 66, 66(B), 66(C), 66(D) of the
Information Technology Act.

3. As per prosecution case, all the accused persons
including the petitioner have been arrested by the police on
the charge of Cyber fraud by luring the innocent people to get
loans at cheap rates in the name of *Dhani* Finance using fake



SIM cards and fake accounts. It is alleged that the police has recovered two smart phones along with five pages customer's data-sheet from the possession of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case due to ulterior motive. He further submits that as a matter of fact, only one mobile phone has been recovered from the possession of the petitioner which is his own mobile and but, wrongly, the police has shown recovery of two mobile phones and five pages customer's data-sheet from his possession which is totally false and fabricated. He further submits that nothing incriminating has been recovered from the possession of the petitioner. The petitioner has no concern with the other co-accused persons or the alleged occurrence. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has no criminal antecedent and is languishing in judicial custody since 28.07.2024 without any rhymes or reason. Charge-sheet has been submitted against



the petitioner in this case.

5. Learned counsel for the petitioner again submits that the co-accused namely Avinash Kumar has been granted bail by this Court vide order dated 23.10.2024 passed in Cr. Misc. No. 75922 of 2024.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Cyber P.S. Case No. 49 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and



shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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