

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.70460 of 2024**

Arising Out of PS. Case No.-17 Year-2024 Thana- Cyber P.S. District- Nawada

Navlesh Kumar son of Bindo Ram Village- Bhalua, ps- Warsliganj, Dist- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                           |
|--------------------------|---|---------------------------|
| For the Petitioner/s     | : | Mr. A.K. Thakur, Adv.     |
|                          |   | Ms. Vaishnavi Singh, Adv. |
| For the Opposite Party/s | : | Mr. Dashrath Mehta, APP   |

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

ORAL ORDER

2      04-10-2024                      Heard learned counsel for the petitioner and learned APP for the State. Perused the case diary called for in Cr. Misc. No. 54578 of 2024 containing criminal antecedent of the accused persons including the present petitioner in Para-74 of the same, stating therein that the petitioner/Navlesh Kumar has no criminal antecedent.

2. The petitioner seeks bail in connection with Cyber P.S. Case No. 17 of 2024 instituted for the offences under Sections 379 and 420 of the Indian Penal Code and Sections 66(C) and 66(D) of the Information Technology Act.



3. As per prosecution case, the accusation against the petitioner is of being involved in fraudulent/illegal withdrawal of Rs. 1,58,700/- from the account of the Informant. It is alleged that the police has recovered altogether 21 articles including debit cards, mobile phones, SIM Cards, cheque book, passbooks, notebooks containing details of some transactions, Mantra device, Aerotek device, OTG, finger clone print and QR Code Scanner etc. from the house 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. The petitioner is not named in the F.I.R. as the same has been instituted against unknown persons. From the F.I.R. itself, it appears that the F.I.R. has been lodged on 04.03.2024 i.e. after more than a month without there being any plausible explanation for the same and the same has been received in the court only on 11.03.2024 which also creates a doubt in the entire case. The



name of the petitioner has surfaced in this case in course of investigation. Learned counsel for the petitioner further submits that the police collected the so called Terminal ID of the transactions by which the alleged money was withdrawn by the bank account of the Informant in 17-18 transactions. Thereafter, the respective banks were requested for further details related to transactions and terminal ID's. It is further submitted that none of the articles recovered by the police from the house of the petitioner are claimed to be stolen properties. No cash has also been recovered from the possession of the petitioner. Nothing incriminating has also been recovered from the conscious possession of the petitioner. It is also submitted that after arrest of the accused persons, the police have allegedly manufactured their confessional statements and, all the statements are almost identical with no disclosures either about the actual modus oprendi, the nexus between the accused persons or how the money was withdrawn etc. Similarly, there is no whisper of



any transactions relating to the present case in the said confessional statements. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner has no criminal antecedents and is languishing in judicial custody since 30.04.2024 without any rhymes or reason. Charge-sheet has been submitted in this case.

5. Learned counsel for the petitioner further submits that the co-accused Rajkumar @ Akhilesh Chaudhary has already been granted bail by this Court vide order dated 21.08.2024 passed in Cr. Misc. No. 57763 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,



*after framing of charge if not already framed*, 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. 17 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.

(iii) If the petitioner tampers with the evidence or the witnesses of the case by intimidating/pressurizing the witnesses, during the investigation or trial, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.



(Rudra Prakash Mishra, J)

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