

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71878 of 2024

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

Lakhan Kumar S/O Parmanand Singh R/O Village- Apsarh, Police Station- Warisaliganj, District Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Choubey Jawahar, 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 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 Nyaya 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 petitioner



has recovered two smart phones along with four pages of customer data and three SIMs 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 merely on the basis of suspicion. He further submits that according to the F.I.R., the police has arrested persons using mobile numbers 8100133275 and 8910069914 but, both these mobile numbers were not recovered from the possession of the present petitioner. The mobile recovered from the possession of the petitioner does not tally with the mobile number disclosed in the F.I.R. which were used in committing Cyber fraud. No fraud of money has been committed from the mobile number which has been recovered from the possession of the petitioner. He further submits that nothing incriminating has been recovered from the possession of the petitioner. There is also no complain against the petitioner by any person regarding cheating. The petitioner has no concern with 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.

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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