

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72989 of 2024

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

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Ajay Kumar Son of Late Ranu Prasad @ Late Shiv Dani Prasad Resident of
Village - Pawa, P.S. - Deep Nagar, District - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajit Ranjan Kumar, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

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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.

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. The petitioner has no concern with the so-called recovered mobile phone. 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. 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 Nawada 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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