

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76845 of 2024

Arising Out of PS. Case No.-27 Year-2024 Thana- Cyber P.S. District- Sheikhpura

Rahul Kumar Son of Surendra Prasad R/o - Mohsimpur, P.S - Shekhopur
Sarai, District- Sheikhpura Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 29-10-2024 Heard Mr. Pankaj Kumar, learned counsel for the
petitioner and Mr. Kalyan Shankar, learned APP.

2. The petitioner is in judicial custody in connection with Sheikhpura Cyber P.S. Case No. 27 of 2024 for the offences punishable under Sections 318(2), 318(4), 319(2), 336(2), 336(3) and 61(2) of BNS and under Section 66, 66B and 66D of the IT Act, lodged on 30.08.2024 by the informant.

3. As per the prosecution story, upon information, the police proceeded to the village and took into custody the two accused persons, namely, Rahul Kumar (petitioner herein) and Nitish Kumar, both brothers. Further upon search, there is recovery/seizure of mobile phones as also SIM. They disclosed that cyber crime is being done with the help of one Ajay Kumar. His place was also raided and after his arrest, there is recovery of mobile set, lap top, head phone and other materials. The police thereafter, raided the house of Dharmendra Paswan and Golu Kumar and recovered/seized the mobile phones.



Accordingly, the FIR, arrest.

4. Learned counsel for the petitioner submits that their personal mobiles have been shown as the materials for cyber crime. The police do not have any complaint by any individual necessitating this raid/seizure. He is a young student having no criminal antecedent and is in custody since 31.08.2024 (para-1 of the petition). One of the similarly situated accused persons, namely, Nitish Kumar has been granted bail by a Co-ordinate Bench of this Court on 23.10.2024 in Cr. Misc. No. 76001 of 2024.

5. Learned APP opposes the prayer submitting that the police upon information has raided the place and seized the materials.

6. Taking into account the aforesaid submissions put forward by the parties as also the fact that one of the accused person has been granted bail, there is no allegation of any individual, he is in custody since 31.08.2024, this Court is inclined to extend him the privilege of bail.

7. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned CJM, Sheikhpura in connection with aforesaid P.S. Case subject



to the following conditions:

(i) one of the bailors should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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