

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85961 of 2024

Arising Out of PS. Case No.-377 Year-2024 Thana- WARISLIGANJ District- Nawada

Chandan Kumar S/O Mr. Kedar Ram Resident of Village- Bhediya, P.S.- Warisaliganj, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Vaishnavi Singh, Adv.

For the Opposite Party/s : Mr.Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 17-12-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Warisaliganj P.S. Case No. 377 of 2024 instituted for the offences under Sections 319(2), 318(4), 338, 336(3), 340(2), 61(2), 3(5) of the Bhartiya Nyaya Sanhita (BNS) and Section 66(B), 66(D) of the Information Technology Act.

3. As per prosecution case, the case is related to Cybercrime where the petitioner is charged with cheating innocent people in the name of loans. The allegation against the accused persons including the petitioner is of being involved in organized Cybercrime. The police has recovered one android mobile containing two SIMs and 13 pages of customer data



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. Learned counsel for the petitioner submits that as a matter of fact, nothing incriminating has been recovered from the conscious possession of the petitioner and the police has wrongly shown that one mobile and 13 pages of customer data were recovered from the possession of the petitioner. The petitioner has no concern with the seized Realme mobile phone and the data-sheets. The alleged SIMs are also not in the name of the petitioner. She further submits that the so-called raid was allegedly conducted on 17.09.2024 and the petitioner was allegedly apprehended at the spot but, was sent to the judicial custody only on 19.09.2024 i.e. more than 24 hours without there being any plausible explanation for such delay, which creates doubt in the prosecution case. Not a single independent person has come forward stating that he was cheated by the petitioner in any manner. 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 two criminal antecedents and is



languishing in judicial custody since 19.09.2024 without any rhymes or reason.

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

6. 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, 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 Warisaliganj P.S. Case No. 377 of 2024.

(Rudra Prakash Mishra, J)

rishi/-

U		T	
---	--	---	--

