IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5246 of 2025

Arising Out of PS. Case No.-96 Year-2024 Thana- Cyber P.S. District- Aurangabad

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1. Sanjay Kumar Singh S/O Jairam Singh Resident of Village- Kharondha, P.S- Nabinagar, Distt.- Aurangabad, Bihar, PIN- 824301.
2. Ankit Kumar Singh @ Ankit Kr. S/O Nagendra Singh R/O Village- Simari Jaitiya, P.S- Nabinagar, Distt.- Aurangabad, Bihar, PIN- 824301.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Nivedita Nirvikar, Sr. Advocate
Mr. Arya Achint, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY

ORAL ORDER

6 04-07-2025 Heard Ms. Nivedita Nirvikar, learned Senior Counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in a case registered for the alleged offences under Sections 411, 420, 120B of the Indian Penal Code.

3. As per the prosecution case, petitioner Sanjay Kumar Singh came in the Cyber Police Station and enquired about his current a/c no. 42094591024 of the State Bank of India. When the given account number was checked in the Cyber Police Portal, it was found that the same was put on hold in various states like Maharashtra, Karnataka, Rajasthan, Andhra Pradesh, Bihar, Delhi, Haryana, Tamil Nadu etc, totaling

to 15 places. When the suspected account was viewed properly on the JMIS portal, it was found that on 01.03.2024 Acknowledgment no. 32902240005880, through UTR no. ICICR 12024030101916654, a total of Rs. 2,00,000/- illegal money has been transferred in his account. Furthermore, two other respective acknowledgment numbers- 31908240116464, 31311230057384, in layer 1, on 20.01.2024, through UTR no. 438625089298, total of Rs. 30,000/-and on 3.11.2023, through UTR no. 367323166997, Rs 10,000/- have been found in the aforesaid current account.

4. Learned Senior Counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case on the basis of confessional statement. Learned Senior Counsel for the petitioners has further submitted that from perusal of the FIR, even for the sake of argument believing the prosecution story to be true, it is highly improbable that the petitioners would go to the police station and lead the police on his trail. This goes on to show that the allegation levelled against the petitioners are nothing but a dubious act on part of the police. Learned Senior Counsel has also submitted that there is no detail of any person or persons on whom such online deception or fraud has been played and the

manner in which the petitioners have been proceeded to commit the offences as alleged in the FIR. Learned Senior Counsel has next submitted that it does not contain the details of any person who has been dishonestly induced to deliver any property, which is an essential ingredient for Section 420 IPC. There is no details or accusation as to the accounts and transaction being used for receiving stolen property or the funds therein being stolen property, which is an essential ingredient for offence u/s 411 of IPC therefore, the offences as alleged in the FIR are not made out against the petitioners and their implication is based on conjectures and surmises. The learned Senior Counsel has also submitted that the police had submitted the charge sheet on 20.11.2024 which is the statutory period of 60 days and therefore, the petitioners were suitable to be released on bail as per the mandate of 187 (3) BNSS. The learned Senior Counsel has alos draw the attention of this Court to the fact that eight other accused persons were granted bail by the learned Court below and the case of the petitioners stand on the same footing. Lastly, it has been submitted that the petitioners have clean antecedent and are in judicial custody since 21.09.2024.

5. The learned APP for the State has vehemently opposed the prayer for bail and has stated that the petitioners

were involved in cyber fraud racket and were chief conspirators, who promoted other accused persons to use the gaming App. The petitioners have confessed to their guilt and there is money transaction in the accounts of the petitioners which were reported disputed amounts and thus the petitioners does not deserve bail.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and taking into account the vagueness in the allegation coupled with the period of custody, let the petitioner, above named, be released on bail on each of them furnishing bail bonds of Rs. 30,000/- (Thirty Thousand) with two sureties of the like amount each to the satisfaction of learned court below/concerned Court in connection with Aurangabad Cyer P.S. Case No. 96 of 2024 subject to the following conditions:

(i) One of the bailors of the petitioners shall be their close relative.

(ii) The petitioners shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

(iv) The learned Court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

7. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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