

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7577 of 2025

Arising Out of PS. Case No.-118 Year-2024 Thana- Cyber P.S. District- Nalanda

Deepak kumar @ Rahul Yadav @ Rahul Kumar S/O Late Bhim Yadav R/O village- Chhawani Tola., ward No.- 5, Bettiah, P.s- Bettiah, District- West Champaran,(Paschimchamparan) at present resident of village Piparakothi, Baltharwa, P.S. Piprakothi, Motihari, District East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms. Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 17-02-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Nalanda Cyber P.S. Case No. 118 of 2024 instituted for the offences under Sections 316(1), 303(2), 319(2), 319(4), 338, 336(3), 340(2), 61(2) of the B.N.S., 2023 and Section 66(C), 66(D) of the I.T. Act, 2000.

3. As per prosecution case, a new ATM was created and was used to withdraw approximately Rs. 1,17,000/- fraudulently from the Account of the Informant. It is also alleged that the mobile number linked to the Bank Account was changed for the ATM withdrawals.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence at all as alleged against him rather he has falsely been implicated in the present case with a view to cause harassment. He further submits that the alleged mobile number does not belong to the petitioner. There is delay of about two months in lodging the F.I.R. which creates doubt in the prosecution case. Nothing incriminating has been recovered from the possession of the petitioner. The police in course of investigation has not found anything adverse against the petitioner. The petitioner has no criminal antecedent and is languishing in judicial custody since 04.11.2024 without any rhyme 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, stating that the offence alleged against the petitioner is serious in nature. The offence alleged is related to Cyber fraud and, hence, he does not deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case, the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, be released on bail, *after framing of charge if not already framed*,



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 Nalanda Cyber P.S. Case No. 118 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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