

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10527 of 2025

Arising Out of PS. Case No.-63 Year-2024 Thana- Cyber P.S. District- Saharsa

Abhinav Jaiswal @ Abhinav Jaiwal Son of Late Deepak Kumar Choudhary
Resident of Mohalla - Purbi Railway Colony, Kayastha Tola, Ward No. 28/33,
P.S. - Sadar Saharsa, District - Saharsa - 852201

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sachin Kumar S/o Shivnandan Yadav R/o Nariyar, Ward No.8, P.O.-
Saharsa, P.S.- Saharsa, Dist.- Saharsa- 852201

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.S.M. Ashraf, Sr. Advocate Mr.Rana Hason, Advocate Mrs.Homa Yunus, Advocate
For the Informant	:	Mr.Akash Mishra, Advocate
For the Opposite Party/s	:	Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 13-05-2025 Heard Mr. S.M.Ashraf, learned Senior Advocate along

with Mr. Rana Hason and Mrs. Homa Yunus, learned counsels

appearing on behalf of the petitioner; Mr. Akash Mishra, learned

counsel for the informant and Mr. Mushtaque Alam, learned

APP for the State.

2. Petitioner seeks pre-arrest bail in connection with

Cyber Saharsa P.S.Case No.63 of 2024, registered for the

offences punishable under Sections 316(2), 318(4), 352, 319(2)

and 338 of BNS, 2023.

3. As per the allegation made in the FIR, the petitioner

allegedly sought Mobile Phone, SBI ATM Card and ATM PIN



of the informant, which were required for sending a sum of Rs.15,000/- to some one.

4. Learned counsel appearing on behalf of the petitioner submitted that the petitioner has been roped in a false case. Petitioner and the informant are close friends, as would appear from the contents of the FIR itself. No case of fraudulent transaction is made out against the petitioner. Petitioner has clean antecedent.

5. Mr. Akash Mishra, learned counsel has tendered his appearance on behalf of the informant and he has submitted that as the petitioner has admitted to withdraw the amount from the Bank Account of the informant fraudulently using his ATM Card and the Phone, the petitioner does not deserve to be released on pre-arrest bail.

6. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

7. Having considered the rival submissions made on behalf of the parties, as well as, considering the fact that the petitioner and the informant are close friend and in good faith, mobile phone, ATM Card and the ATM PIN were allegedly given by the informant to the petitioner, for which Section 316(2), 319(4), 352, 319(2) and 338 of BNS is attracted. No



transaction has taken place, as a result the informant has not been put to loss. The petitioner is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned district court within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Saharsa/concerned court, in connection with Cyber Saharsa P.S.Case No.63 of 2024, subject to conditions as laid down under Section 482(2) of BNSS of 2023

7. The learned district court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in paragraph No.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

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