

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 17864 of 2025

Arising Out of PS. Case No.-421 Year-2024 Thana- KESARIA District- East Champaran

Vivek Kumar Tiwari @ Vivek Tiwari S/o Suryanand Tiwari @ Surjanand
Tiwari R/o Village- Darmaha, PS- Kesariya, District- East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Rakesh Kumar Sharma, Advocate
For the State	:	Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 16-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The present petition has been filed on behalf of the petitioner, apprehending his arrest, in connection with Kesariya P.S. Case No. 421 of 2024 dated. 14.12.2024, registered for the offences punishable under Sections 303(2), 318(3), 319, 338, 336(3), 61(2), 111, 316(2) of the Bharatiya Nyaya Sanhita, 2023 and Sections 66(C)/66(d) of the I.T Act.

3. As per allegation, the police got information that cyber fraud is being committed by a gang comprising the petitioner and other accused persons and in pursuance of this information, the police reached Darmaha village. Seeing the police, two accused, Ratnesh @ Shailesh Singh and Manoj Kumar started fleeing away and after apprehending them the



body search was made and several mobile phones were recovered from them and from their house also some mobile phones, aadhar cards, ATM Cards, electoral photo identity Cards of different names were also recovered. As per their confessional statement, they are involved in cyber crimes and they supply aadhar cards, ATM Cards, electoral photo identity Cards etc. to the co-accused, who is the petitioner herein. However, there no recovery made from the petitioner.

4. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that there is nothing against the petitioner except the confessional statement of the co-accused which has no evidentiary value. He further submits that even the main accused, Ratnesh @ Sailesh Singh and Manoj Kumar, have already been enlarged on bail by a co-ordinate bench of this Court vide order dated. 25.03.2025 passed in Cr. Misc. No. 17606 of 2025.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the petition that the petitioner has been made accused in one other



case.

7. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, particularly the fact that except the confessional statement of the co-accused, there is no material available against the petitioner and the co-accused have already been enlarged on bail, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Concerned Court below, in connection with Kesariya P.S. Case No. 421 of 2024, subject to the conditions as laid down under Section 438 (2) Cr.PC and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.



(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

Chandan/-

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

