

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19083 of 2025

Arising Out of PS. Case No.-78 Year-2024 Thana- Cyber P.S. District- Nalanda

Md. Shahabuddin @ Sharuk @ Md. Shabuddin Arif S/o Md. Alim R/o Vill.-
Bhaisasur, P.S.- Laheri, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hansraj, Adv

For the Opposite Party/s : Mr.Amitesh Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 21-05-2025 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The petitioner makes a prayer for grant of regular
bail in connection with Cyber P.S.Case No. 78 of 2024
registered under sections 319, 318, 336(3), 338, 339, 344, 351,
61 of BNSS and section 66 (B) (C) (D) of the Information
technology Act.

3. As per the prosecution case, one Saurav Kumar
had asked the informant to open ten accounts and in view of the
same, he was to be given Rs. 30,000/-. It was also stated that
some gaming money would be coming to his account and the
phone number of a friend namely, Karan was also given. It is
alleged that thereafter, he got the adhar and the address changed
and eight out of ten accounts, was opened on- line. It is further



stated that the family members of the informant came to know of the said fact, he asked Saurav to close the account whereupon the said Saurav started demanding money and even threatening the informant.

4. Learned counsel for the petitioner submits that the bare perusal of the FIR itself, would go to show that the petitioner is not named in the FIR and during the course of investigation, he was arrested and his confessional statement was recorded by the police. It would be clear from the FIR itself, that the thrust of the allegation is against co-accused Saurav Kumar and the material which was collected during the investigation against the petitioner is only to the effect that he has admitted in his confessional statement that he had given allurement to Md. Mobbassir that in case, he wants money, he would have to arrange fake sim and some bank accounts and had also stated that he would be given some money in lieu of the same. However, it would appear from the materials collected during the investigation, that no recovery as such has been made from the present petitioner except a mobile phone . The fact that any money had been transferred to the account of this petitioner has not been substantiated during the course of investigation. Moreover, the petitioner is languishing in custody since



03.09.2024. The petitioner has no criminal antecedent.

5.The learned counsel for the petitioner has also brought to the notice of the court as Annexure-2 that co-accused Md. Mobbassir has already been granted bail vide order dated 10.02 2025 passed in Cr. Misc. No. 85002 of 2024. It has also been pointed out that one Prabhat Kumar has also been granted regular bail vide order dated 10.02. 2025, passed in Cr. Misc. No.82848.

6. Considering the facts and circumstances, let the petitioner be enlarged on bail on furnishing bail bond of Rs. 10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda, Bihar Sharif in connection with Cyber P.S.Case No. 78 of 2024, subject to the condition that the petitioner shall co-operate in the investigation/ trial and shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the trial Court will have liberty to cancel the bail bonds of the petitioner.

(Soni Shrivastava, J)

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