

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21133 of 2025

Arising Out of PS. Case No.-126 Year-2024 Thana- Cyber P.S. District- Gaya

Kanhaiya Kumar @ Chotu @ Choatu @ Chhotu Son of Chhotan Prasad @
Chhotan Ram @ Chottan Prasad Resident of Village - Kushre, P.S. - Arwal,
District - Arwal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aryan Singh, Adv.

For the Opposite Party/s : Mr.Dilip Kumar No. 1, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 22-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Gaya
Cyber P.S. Case No. 126 of 2024 instituted for the offences
under Sections 318(4) and 319(2) of the B.N.S., 2023 and
Sections 66(C) and 66(D) of the Information Technology Act,
2000.

3. As per prosecution case, the accusation against the
petitioner is that in the name of giving huge discount in
commercial transaction to people at large and, on purchase, he
was cheating customers through online sale applications such as
Facebook and Amazon. It is also alleged that the accused
persons also used to purchase gold coin from the crime-



proceeds and distributing the same among themselves. The petitioner was arrested on spot.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case due to oblique reason. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the alleged occurrence. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has no criminal antecedent and is languishing in judicial custody since 26.09.2024 without any rhymes or reason. Charge-sheet has been submitted against the petitioner in this case. Learned counsel for the petitioner again submits that the co-accused namely Md. Arman Anwar and Md. Meraj Alam have been granted bail by a Co-ordinate Bench of this Court vide order dated 12.02.2025 passed in Cr. Misc. No. 4116 of 2025.

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 is serious in nature.

6. Having heard rival contention of both the parties



and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, be released on bail 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 Gaya Cyber P.S. Case No. 126 of 2024.

(Rudra Prakash Mishra, J)

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