

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20669 of 2025

Arising Out of PS. Case No.-544 Year-2024 Thana- WARISLIGANJ District- Nawada

Vikash Kumar @ Vikas Kumar, Son of Madan Mohan Ram, Resident of village - Daulatpur, P.S.- Warisaliganj, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Devendra Kumar Sinha, Senior Advocate Mr. Pramod Kumar Sinha, Advocate
For the Opposite Party/s	:	Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 20-08-2025 Heard learned senior counsel for the petitioner and learned A.P.P. for the State.

02. In the present case, the petitioner seeks bail in connection with Warisaliganj P.S. Case No. 544 of 2024, registered for the alleged offence under Sections 319(2), 318(4), 338, 336(3), 340(2), 61(2), 3(5) of BNS, 2023 and Sections 66(B) & 66(D) of the I.T. Act.

03. As per prosecution case, police received information about some cyber criminals, who had been cheating innocent persons by using mobile phone, a raid was conducted and 10-12 persons started fleeing away on seeing the police party and two of them including this petitioner have been apprehended. From the possession of the petitioner, a mobile



phone bearing no. 9903510440 was recovered, but the police was not able to open the lock of the mobile phone recovered from the petitioner. It further came to the notice of the police that the petitioner and other co-accused persons have been indulging in cheating by giving assurance to the innocent persons about approval of loan and getting processing fee and documents of the said persons and thus cheating such persons.

04. Learned counsel senior counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has no concern with the occurrence as alleged by the police. The mobile phone shown to be recovered from the petitioner does not belong to him and he is not its owner. The police has wrongly shown recovery of the mobile phone from this petitioner. The learned senior counsel further submits that no material has come up against the petitioner to show that he indulged in any cyber crime or fraud. There is no complaint for commission of any cyber crime. Though the police during investigation named one lady from Maharashtra, who was cheated Rs.10,000/- by using mobile phone shown to be recovered from the petitioner, but the petitioner denies the ownership of the mobile phone which is in the name of some



other person. Moreover, the lady did not disclose her address. The learned senior counsel further submits that the petitioner is having clean antecedent and he is in custody since 25.12.2024 and charge sheet has been submitted.

05. Learned APP vehemently opposes the submission made on behalf of the petitioner.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the period of custody of the petitioner, submission of charge sheet along with his clean antecedent, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada/court concerned, in connection with Warisaliganj P.S. Case No. 544 of 2024, subject to the conditions mentioned in Section 480 (3) of BNSS and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the



bail bond of the petitioner will be liable to be
cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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