

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23521 of 2025

Arising Out of PS. Case No.-3 Year-2025 Thana- Cyber P.S. District- Sheikhpura

Shambhu Kewat S/o Shatrudhan Kevat R/o Vill- Mohanddipur, P.S.- Sarmera,
Dist- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate
For the State : Mrs. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

6 07-11-2025

Heard the parties.

2. The petitioner is in custody in connection with Sheikhpura Cyber P.S. Case No. 03 of 2025 registered for the offence punishable under sections 318(4), 61(2) and 3(5) of the B.N.S. and 66(C) of the I.T. Act , lodged on 11.02.2025 by the informant, Anit Lal Yadav.

3. As per the prosecution story, the informant alleged that an account was opened in the Bank of Maharashtra Branch, Sheikhpura and having found the regular transaction to be dubious, the Cyber Cell was informed, the petitioner who was present in the Bank was apprehended and he informed that his friend, Vivek Kumar is using his account minuscule amount. It was found that altogether Rs.1,59,08,390/- was credited and Rs.1,54,64,920.40/- was debited and total Rs.4,43,469.60/- was kept in his account, considering it to be a cyber fraud, the F.I.R.

4. Learned counsel for the petitioner submits that he is a fisherman, Vivek Kumar another accused was his friend, used his account for the said fraud for which he has already suffered by



being in custody since 12.02.2025.

5. This Court had taken note of the fact that the Police has not done the investigation properly nor has taken any step to nab the actual master mind, Vivek Kumar and in that background, a direction was given to learned APP to file counter affidavit on behalf of the Deputy Superintendent of Police, Headquarter-cum-SHO, Cyber Cell, Sheikhpura.

6. Pursuant thereto, steps were taken and now the counter affidavit has come in which it has been stated that due to the regular Police raid, Vivek Kumar finally surrendered on 31.10.2025.

7. This Court has gone through the case as also other materials on record. Though the petitioner is guilty of allowing his Bank Account for the financial transaction made by the Vivek Kumar, it can be safely recorded that Vivek Kumar is the actual master mind.

8. Learned APP opposes the prayer submitting that allowing the Bank Account definitely led to the aforesaid financial transaction and as such, he is not entitled for bail.

9. Taking into account the submissions of the parties as also that the petitioner has remained in custody since 12.02.2025, has no criminal antecedent, and an undertaking has been given that he shall be diligently appearing in trial as also the police station



regularly, in that background, this Court is inclined to extend him the privilege of bail.

10. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheikhpura, in connection with Sheikhpura Cyber P.S. Case No. 03 of 2025 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month till the conclusion of the trial to mark his attendance and at the end of the period a certificate be submitted before the Trial Court;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty



to take steps for cancellation of his bail bonds.

11. In the order sheet dated 13.08.2025, paragraph no. 4, the date of the petitioner’s custody be modified from 12.02.2024 to 12.02.2025.

(Rajiv Roy, J)

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