

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28440 of 2025**

Arising Out of PS. Case No.-23 Year-2024 Thana- Cyber P.S. District- Bhagalpur

Kailash Manjhi, male, aged about 42 years, son of Bhaiyalal Kewat, resident of Village- Harri W.No-20, P.S.- Ramnagar District- Anuppur (M.P)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Advocate
For the Opposite Party/s : Mr. Satyendra Narayan Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

3 06-08-2025 Heard Mr. Pankaj Kumar, learned counsel appearing on behalf of the petitioner and Mr. Satyendra Narayan Singh, learned APP for the State.

2. Petitioner seeks regular bail in connection with Bhagalpur Cyber P.S. Case No. 23 of 2024 registered for offences punishable under Sections 419, 420 of the Indian Penal Code and Sections 66(C), 66(D) and 72 of the I.T. Act.

3. As per the allegation made in the FIR, petitioner along with other accused persons, by creating fake I.D. of District Magistrate, Bhagalpur on Facebook, had committed fraud by demanding money from the informant from mobile phone bearing No. 9040675292. FIR is against unknown.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and has falsely



been implicated in the present case. Petitioner is not named in the FIR. Name of the petitioner has transpired on the basis of confessional statement made by co-accused Abhishek Kumar Khurana, in course of investigation, in police custody, which has no evidentiary value in the eye of law. Co-accused Abhishek Kumar Khurana has been granted bail by a co-ordinate Bench of this Court vide order dated 23.01.2025 passed in Cr. Misc. No. 76587 of 2024 and Arvind has been granted bail by a co-ordinate Bench of this Court vide order dated 17.03.2025 passed in Cr. Misc. No. 82081 of 2024. The mobile number by which demand was made also don't belong to the petitioner. Petitioner has clean antecedent and he is in custody since 13.07.2024. On these grounds, petitioner seeks to be released on bail.

5. Learned A.P.P., for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Having considered the rival submissions made on behalf of the parties, as well as, the fact that FIR is against unknown. Name of the petitioner has transpired on the basis of confessional statement made by co-accused Abhishek Kumar Khurana, in course of investigation, in police custody, which has no evidentiary value in the eye of law. Co-accused Abhishek Kumar Khurana has been granted bail by a co-ordinate Bench of



this Court vide order dated 23.01.2025 passed in Cr. Misc. No. 76587 of 2024 and Arvind has been granted bail by a co-ordinate Bench of this Court vide order dated 17.03.2025 passed in Cr. Misc. No. 82081 of 2024. The petitioner has claimed that the mobile number by which the demand was made don't belong to the petitioner. Petitioner has clean antecedent and he is in custody since 13.07.2024. I am of the opinion that petitioner has, *prima facie*, made out a case to be released on bail.

7. The learned District Court is directed to verify the mobile number from which the fraud was being committed and if it is found that the same doesn't belong to the petitioner or to any known person of the petitioner, the petitioner, above named, is directed to be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Bhagalpur, in connection with Bhagalpur Cyber P.S. Case No. 23 of 2024 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(v) The learned District Court is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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