

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46597 of 2025

Arising Out of PS. Case No.-51 Year-2025 Thana- Cyber P.S. District- Aurangabad

Tinku Kumar S/O Late Dulichand Sao R/O Village-Anjan, P.S.- Madanpur,
Distt-Aurangabad(Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Y.C. Verma, Sr. Advocate

Mr. Aman Vishal, Advocate

For the Opposite Party/s : Mrs. Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 04-09-2025 Heard Mr. Y.C. Verma, learned senior counsel for the

petitioner and Mrs. Indu Kumari Srivastava, learned APP for

the State.

2. The petitioner has prayed for bail in connection
with Aurangabad Cyber P.S. Case No. 51 of 2025 registered for
the offence punishable under Sections 318(4), 303(2), 336(2),
338 and 111 of the B.N.S., 2023 and Sections 66C and 66D of
the Information Technology Act, 2002.

3. The case of the prosecution is that the petitioner has
given his confessional statement before the police, in which he
has confessed that he had opened various accounts in which
cash regarding gaming was collected. In those accounts, the
account holder was to receive Rs. 10,000/-, whereas the



petitioner was to receive Rs. 5,000/- from each account. The petitioner has also named his associates, and from perusal of the FIR, it transpires that various ATM cards have been recovered from the possession of this petitioner and he himself has confessed that he along with his associates has been cheating the common man.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this case. He also submits that it is very surprising that the FIR itself is based on the confessional statement of the petitioner, as such, the statements made by the petitioner in the FIR are not admissible in view of the Section 23 of the B.S.A Act. Moreover, the allegations are that the petitioner was collecting money through gaming. It has also been submitted that in this regard, the systems on which the games are played and the certificate under 65 years of age of the owner are musts. He further submits that the FIR is misconceived. It has lastly been submitted that a statement has been made in para 3 of the petition that petitioner has no criminal antecedent. Petitioner is languishing in judicial custody since 18.05.2025.

5. Learned APP for the State has vehemently opposed



the prayer for regular bail of the petitioner but has conceded that the manner in which the FIR has been lodged is surprising to him as well.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Aurangabad, in connection with Aurangabad Cyber P.S. Case No. 51 of 2025.

(Ashok Kumar Pandey, J)

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