

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49511 of 2025

Arising Out of PS. Case No.-311 Year-2021 Thana- SHEKHPURA District- Sheikhpura

1. Rocky Kumar S/O Raghuveer Prasad R/O Village and P.O- Jian Bigha, P.S- Sheikhpura (Kusumba O.P.), Dist.- Sheikhpura.
2. Kapildev Ram S/O Jethan Ram R/O Village and P.O- Jian Bigha, P.S- Sheikhpura (Kusumba O.P.), Dist.- Sheikhpura.
3. Raju Patel S/O Suresh Patel @ Suresh Prasad R/O Village and P.O- Jian Bigha, P.S- Sheikhpura (Kusumba O.P.), Dist.- Sheikhpura.
4. Ashok Kumar @ Ashok Prasad S/O Late Krishnandan Prasad @ Krishnanandan Prasad R/O Village and P.O- Jian Bigha, P.S- Sheikhpura (Kusumba O.P.), Dist.- Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Nandan Prasad
For the Opposite Party/s : Ms. Sangeeta Sharma

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 12-08-2025 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.
2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 419, 420 of the Indian Penal Code.
3. Learned counsel for the petitioners submits that petitioner no.1, 3 and 4 have antecedent of one case and petitioner no.2 is a person with clean antecedent. It is next submitted that FIR under Section 419 and 420 of the Indian Penal Code was instituted, based on which, the police arrested



the petitioners and produced before the learned Magistrate but then the learned Magistrate refused to remand the petitioners to judicial custody on the ground that sufficient material were not collected during the course of investigation warranting remand of the petitioners to judicial custody, thereafter the police proceeded with the investigation and submitted charge sheet against the petitioners, based on which, cognizance has been taken, as such petitioners apprehend arrest.

4. Learned counsel for the petitioners submits that petitioners were not released on police bail rather the petitioners after being arrested by the police were produced before the learned Magistrate but then the learned Magistrate refused to remand the petitioners to judicial custody, based on the material, which had transpired during the course of investigation, as such the petitioners were never taken in custody nor it can be construed that petitioners were arrested by the police. It is thus submitted that after the charge sheet came to be submitted and cognizance taken, the petitioners have reasonable apprehension of arrest. It is also submitted that if there is reasonable apprehension of arrest, in that event anticipatory bail is maintainable. It is next submitted that even the offences for which instant FIR has been instituted carries punishment of



seven years and less.

5. Learned counsel further submits that in sum and substance, the allegation is of committing cyber fraud by the mobile which were seized by the police. It is submitted that mobiles of the petitioners were also seized but then no FIR was instituted by any person alleging that from the said mobile number any call came with a view to commit cyber fraud rather the police based on suspicion, implicated the petitioners as such the learned Magistrate refused to remand the petitioners to judicial custody, based on the allegation in the FIR and the materials which transpired during the course of investigation at that stage.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

7. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned trial court where the case is pending/successor court in connection with



Sheikhpura (Kusumbha O.P.) P.S. Case No.311/2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. Further, one of the bailor of the petitioner no.1, 2 and 3 shall be their respective father, namely, Raghuveer Prasad, Jethan Ram, Suresh Patel @ Suresh Prasad and bailor of petitioner no.4 shall be a blood relative.

(Satyavrat Verma, J)

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