

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49806 of 2025

Arising Out of PS. Case No.-82 Year-2025 Thana- DARBHANGA District- Darbhanga

Md. Afroj S/o Late Md. Najirul Haque @ Najrul Haque R/o Mohalla- Chandi,
Ward No 16, P.S.- Bahadurpur, Distt- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 51978 of 2025

Arising Out of PS. Case No.-82 Year-2025 Thana- DARBHANGA District- Darbhanga

Ajay Kumar Chourasiya S/o Ramakant @ Ramakant Ram R/o Tika Dewasi,
Ward No. 13, P.S.- Chitwara Goan, Distt- Ballia, Uttar Pradesh

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 49806 of 2025)
For the Petitioner/s : Mr. Rana Hason
For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP
(In CRIMINAL MISCELLANEOUS No. 51978 of 2025)
For the Petitioner/s : Mr. Ranjeet Choubey
For the Opposite Party/s : Mr. Surendra Prasad Singh

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

3 15-10-2025 Both Cr. Misc. applications have arisen out of the same occurrence and as such they have been heard together and are being disposed of by passing this common order.

2. Heard learned counsel for the petitioners and learned APP for the State.

3. The petitioners have preferred this application for



grant of regular bail in connection with Darbhanga Town P.S. Case No. 82 of 2025 registered for the offences punishable under Sections 318(4), 336(3), 338 and 3(5) of the BNS and Sections 66(C) and 66(D) of the Information and Technology Act.

4. As per the prosecution story, the informant has alleged that on 02.05.2025, during the course of patrolling at about 9:35 am, he received information from the SHO, that two youths suspected of cyber were staying at Dwarika International Hotel in Mirzapur, who used to cheat people by tricking them through apps. The informant reached the hotel at 10:00 am, checked the guests, and found two nervous youths in room no. 209. They were identified as Mohd. Afroz and Ajay Kumar Chaurasia. When asked about their purpose in Darbhanga, they gave no satisfactory answer, so he brought them to the police station with their belongings for investigation. He searched the suspects and recovered seven signed blank cheques of S. Syed Ajaz's IDBI Bank account from Afroz's pocket, along with an IDBI Platinum Debit Card in Ajaz's name. He also seized a Realme C53 and an OPPO F21s Pro mobile from Afroz, both with Airtel SIMs, and a Realme 11 Pro 5G mobile from Ajay with Vodafone and



Airtel SIMs, plus two hidden nano SIMs (Vodafone and Jio) found inside the phones. Technical experts later found unauthorized IDBI Bank transactions on Afroz's Realme C53. Afroz said the money was from trading, and both suspects admitted to being involved in illegal trading through a Telegram group called MX Trading. The bank account on Afroz's phone is being operated illegally in S. Syed Ajaz's name. During questioning, they revealed a person named John (mobile 7275037616) is involved in the illegal trading via WhatsApp. All recovered items were seized and documented, and since these acts are cognizable offenses, both were arrested.

5. Learned counsel for the petitioners submits that the articles alleged to have been recovered from the hotel room itself at 10 AM but the seizure list has been prepared at 15:50 hrs. in Police Station, which creates a serious doubt and demolishes the prosecution story. Nothing has been recovered from the possession of the petitioner for the reason that the alleged seizure list has been prepared on 02.05.2025 at 15:50 hrs. but bears F.I.R. number as to when the formal F.I.R. has been instituted and numbered at 16:30 hrs. on 02.05.2025, it violates a mandatory provision of Section 103(6) of the BNSS



and thereby creates a serious doubt of the recovery and the prosecution story. Learned counsel further submits that the mandatory provision of Section 105 of BNSS, with regard to **“Recording of search and seizure through audio-video electronic means”** has not been followed and has flagrantly been violated, which demolishes the credibility of entire prosecution case. It is also submitted that the person who has been cheated in this case, has not come forward during investigation. Both the petitioners are in custody since 03.05.2025, having no criminal antecedent.

6. Learned A.P.P. appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioners.

7. Keeping in view the aforesaid facts and considering the period under custody, let the petitioners, above named, be released on bail **after framing of charge** on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Darbhanga in connection with Darbhanga Town P.S. Case No. 82 of 2025 subject to the following conditions :-

(i). Petitioners will remain physically present in trial on each and every date till the disposal of the case failing



which, on two consecutive dates without reasonable cause, the bail bond of the petitioner may be cancelled by the Trial Court.

(ii). One of the bailor shall be the local person.

(S. B. Pd. Singh, J)

Ankit Kumar/-

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