

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53675 of 2025

Arising Out of PS. Case No.-569 Year-2025 Thana- DANAPUR District- Patna

Ayush Kumar @ Sonu @ Sonu Kumar S/o Late Indal Sah @ Indra Saw R/o
vill - Rasanpur, P.O. - Jalalpur, P.S.- Warsaliganj, District- Nawadah
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Adv

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 11-08-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with
Danapur P.S. Case No. 569 of 2025 registered for the offence
punishable under Sections 303(2), 316(2), 318(2) and 112(2) of
the B.N.S.

3. The case of the prosecution is that on the basis of
written report to the Officer-in-Charge, Danapur police station
stating therein that on the date and time of the occurrence, the
informant received information that some inter state cyber
criminals had been seen near Digha police station and were
coming towards Danapur. During checking by the police near
Nasriganj chowki, one bike borne miscreants carrying a bag
pack tried to flee away but was apprehended, who on
interrogation disclosed his name as Nirajnaj Kumar and on



search from his bag pack several cheque books, ATM cards of different Banks, Paytm scanner sound box, Paytm scanner plate and Paytm cards etc were recovered and on interrogation, he told the police that he along with other members of his gangs used to cheat the people by calling them in the name of providing them loan. He also discloses the names of members of his gang which includes the name of petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case on the basis of confessional statement of co-accused Niranjana Kumar, which do not have any evidentiary value. The petitioner has one criminal antecedent. He further submits that from a bare perusal of the search and seizure memo, it shall transpire that no search was conducted in the house of the petitioner rather the entire search and seizure has been prepared on 02.06.2025 i.e. one day after lodging of the FIR and the search and seizure memo has been prepared in the premises of Danapur police station, meaning thereby that the articles which were shown to be seized were not recovered from the house of the petitioner. The petitioner has, therefore, been implicated in this case at the hands of the informant.

5. Learned APP appearing for the State opposes the



prayer for regular bail of the petitioner.

6. Considering the fact that the search and seizure memo itself discloses that it has been prepared in Danapur police station and does not carry the signature of two independent witnesses, therefore, it puts a serious doubt over the legal validity of the search and seizure memo as also the fact that the charge-sheet has already been filed on 28.07.2025 which completes the investigation, no fruitful purpose will be served in the keeping the petitioner in prolong custody and also that one co-accused Gulshan Kumar has also been granted regular bail by this Court in Cr. Misc. No. 53413 of 2025, for all these reasons, the petitioner above named, is directed to be released on bail on furnishing bail-bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Danapur P.S. Case No. 569 of 2025, subject to the following conditions:-

(i) One of the bailors of the petitioner shall be his close relative.

(ii) The petitioner shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates



without substantial reason or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the Court concerned.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

7. Accordingly, the prayer for bail is allowed.

(Alok Kumar Sinha, J)

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