

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76428 of 2025

Arising Out of PS. Case No.-115 Year-2025 Thana- Cyber P.S. District- Nawada

Shailesh Kumar S/O Late Sadhu Sharan Singh Resident of Village- Chakwai,
PS- Warisaliganj, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Man Mohan Kumar

For the Opposite Party/s : Mr.Jharkhandi Upadhyay

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 19-11-2025 Heard the learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Nawada Cyber P.S. Case No.115 of 2025, F.I.R dated 21.07.2025 registered for the offences punishable under Sections 318(2), 303(2), 318(4), 319(2), 336(2), 338, 340(2), 61(2), 111, 317(2) and 317(5) of the Bharatiya Nyaya Sanhita, 2023.

3. According to prosecution case, on 21.07.2025, a police raid in village Chakwai led to the apprehension of Anuj Kumar, who tried to flee. A mobile phone was recovered from him, and two Oppo phones were seized from a nearby house. Anuj admitted these devices were used in a cyber-fraud scheme involving fake height-increase medicine and a bogus Tata Safari



lottery through which money was collected as registration, TDS, and GST. He named Akash Kumar, provider of mobiles, accounts, QR codes, and customer data, Shailesh Kumar, the petitioner being an associate and Sashi Kumar, provider of bank accounts. The seized devices contained customer data, bank details, payment screenshots, and identification documents related to the fraud.

4. Learned counsel for the petitioner submits that on the basis of confessional statement of co-accused, namely, Anuj Kumar, who was apprehended from the spot, the name of the petitioner has transpired in the present case and no incriminating material has been recovered on search being made by the Police from the house of the petitioner on his absence. The seized article does not belong to the petitioner and the co-accused person, on whose confessional statement, the petitioner has been roped in the present case has also been granted the privilege of bail by learned Court below.

5. Learned APP for the State opposes the prayer for anticipatory bail application.

6. Considering the aforesaid facts and circumstances that his name has transpired on the basis of confessional statement of co-accused, namely, Anuj Kumar, who was



apprehended from the spot, who has been granted bail by the learned Court concerned. Accordingly, this Court is inclined to grant the privilege of anticipatory bail to the petitioner.

7. Let the petitioner, above named, in the event of his/her arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate VIth, Nawada, in connection with Nawada Cyber P.S. Case No.115 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

(i) one of the bailors should be the family member/relative of the petitioner(s) who shall provide official document to show his/her bona fide;

(ii) the petitioner(s) shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her/their bail bond by the Trial Court itself;

(iii) the petitioner(s) shall in no way try to induce or



promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(iv) the petitioner(s) shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of their bail bonds.

(Ajit Kumar, J)

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