

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80366 of 2024

Arising Out of PS. Case No.-287 Year-2024 Thana- WARISLIGANJ District- Nawada

Rohit Kumar Son of Botal Ram Resident Of Village- Chakvay, Balwapar, P.S-
Warisaliganj, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vibhuti Ranjan Sonvadra, Advocate
For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 10-01-2025 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Warisaliganj P.S. Case No. 287 of 2024 instituted for the offence under Sections 319(2), 318(4), 338, 336(3), 340(2), 61(2) & 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 66(B) & 66(D) of the IT Act.

3. Prosecution case in short is that police on secret information regarding assembly of cyber criminals, who were cheating innocent persons, raided in the orchard situated east to village ‘Chakwai Balwapar’, from where five accused persons including the petitioner was apprehended. On search, two mobile phones were recovered from the possession of the



petitioner.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 31-07-2024. Petitioner bears no criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. No incriminating material has been recovered from the possession of the petitioner. The mobile phones allegedly recovered from the petitioner does not belong to him, rather the same is planted by the police officials. There is no compliance of Section 103 of the BNSS, 2023. Other co-accused has been granted bail by this Court *vide* order dated 17-12-2024, passed in Cr. Misc. No. 73534 of 2024.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is submitted that there is recovery of two mobile phones from the possession of the petitioner, and the same was used in cyber cheating.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner and manner of petitioner's implication, this Court is inclined to grant bail to the



petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Warisaliganj P.S. Case No. 287 of 2024.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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