

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84021 of 2024

Arising Out of PS. Case No.-59 Year-2024 Thana- Cyber P.S. District- Nawada

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1. Mukesh Kumar S/O Umesh Choudhary R/O VILLAGE- Tajpur, P.S. -Roh, DISTRICT- Nawada
 2. Birendra Choudhary @ Birendra Kumar S/O Rajendra Choudhary VILLAGE- Masuda,P.S- Warisaliganj, DISTRICT- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Advocate
For the Opposite Party/s : Ms. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 07-02-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Cyber P.S. Case No. 59 of 2024 instituted for the offences under Sections 303(2), 318(2), 318(4), 319(2), 338, 336(2), 336(3), 340(2) of the Bharatiya Nyaya Sanhita, 2023 and Sections 66, 66(B), 66(C), 66(D) of the IT Act.

3. AS per prosecution case, the accusation has been made against the accused persons including the petitioners of committing Cyber fraud by luring innocent people for getting loans at cheap rates in the name of Dhani Finance using fake SIM and fake account.



4. Learned counsel for the petitioners submitted that petitioners have falsely been implicated in the present case. Learned counsel for the petitioners submitted that general and omnibus allegation has been made against these petitioners. No specific overt act is alleged against these petitioners. Except mobile phones, no incriminating article has been recovered from the conscious possession of the petitioners. It has been submitted on behalf of the petitioners that the petitioners are in custody since 28.09.2024. Petitioner no. 1 has no criminal antecedent whereas petitioner no. 2 has three criminal antecedents. The co-accused person has already been granted bail by this Court vide order dated 08.01.2025 passed in Cr. Misc. No. 87306 of 2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the aforesaid facts and circumstances of the case, claim based on parity as also the period of custody undergone by the petitioners, this Court is inclined to grant bail to the petitioners.

7. Let the petitioner no. 1, namely, *Mukesh Kumar*, 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
Cyber P.S. Case No. 59 of 2024.

8. Let the petitioner no. 2, namely, *Birendra Choudhary, @ Birendra Kumar*, be released on bail, ***after framing of charge, if not already framed***, 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 Cyber P.S. Case No. 59 of 2024.

(Rudra Prakash Mishra, J)

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