

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86630 of 2024

Arising Out of PS. Case No.-65 Year-2024 Thana- Shahpur P.S. District- Nawada

Birendra Kumar S/o- Kedar Ravidas resident of village- Darshanbigha Ps-
Sahpur District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Nandan Prasad, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

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

ORAL ORDER

3 31-01-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Shahpur P.S. Case No. 65 of 2024 instituted for the
offences under Sections 319(2), 318(4), 338, 336(3), 340(2),
317(5), 61(B) of the Bharatiya Nyaya Sanhita, 2023 and 66,
66(B), 66(C), 66(D) of the Information Technology Act.

3. Prosecution case, in short, is that, police on the
basis of secret information that some miscreants are indulged in
cyber crime, conducted raided. Seeing the police party, all the
persons tried to flee away but seven persons were apprehended
whereas rest of them managed to flee away. It is further alleged
that the apprehended persons disclosed that they used to cheat



innocent people on the pretext of cancellation of delivery which they have booked through Flipkart. On search, two mobile phones have been recovered from this petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. Learned counsel for the petitioner submitted that general and omnibus allegation has been made against the petitioner. No specific overt act is alleged against the petitioner. Learned counsel further contended that petitioner is merely a passerby and has no concern with the alleged recovery and has committed no such offence. There is no compliance of Section 103 of the Bharatiya Nagarika Suraksha Sanhita, 2023. It has been submitted on behalf of the petitioner that the petitioner has no criminal antecedent. Other co-accused has been granted bail by this Court *vide* order dated 16-12-2024, passed in Cr. Misc. No. 85058 of 2024.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the rival submissions made by the learned counsel for the parties, let the petitioner above-named, in the event of his arrest or surrender before the learned Court



below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds 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 Shahpur P.S. Case No. 65 of 2024, subject to the conditions as laid down under Section 482(2) of the BNSS, 2023.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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