

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89823 of 2024

Arising Out of PS. Case No.-49 Year-2024 Thana- Cyber P.S. District- Nawada

Bittu Kumar Son of Kapildev Singh Resident of Village - Apsarh, P.S. - Warisaliganj, District - Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Deepak Kumar, Adv.

For the Opposite Party/s : Mr.Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 09-01-2025 Heard learned counsel for the petitioner and learned APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Cyber P.S. Case No. 49 of 2024 instituted for the offences under Sections 303(2), 318(2), 318(4), 319(2), 336(2), 336(3), 340(2), 61(2) of Bhartiya Nyaya Sanhita (BNS) and Sections 66, 66(B), 66(C), 66(D) of the Information Technology Act.

3. As per prosecution case, all the accused persons including the petitioner have been arrested by the police on the charge of Cyber fraud by luring the innocent people to get loans at cheap rates in the name of Dhani Finance using fake SIM cards and fake accounts. It is alleged that the police has recovered three smart phones, two SIMs and 4 pages of



customer data-sheet from the possession of the 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 merely on the basis of suspicion. The petitioner has no concern with the recovered articles. From perusal of the F.I.R., it appears that no person has claimed of fraud. Learned counsel for the petitioner further submits that nothing incriminating has been recovered from the possession of the petitioner and in the F.I.R., it has wrongly been alleged that the articles have been recovered from the possession of the petitioner. The mobile phones recovered from the possession of the petitioner does not tally with the mobile number disclosed in the F.I.R. which were used in committing Cyber fraud. The petitioner has no concern with the alleged Cyber crime and has never indulged in such activities. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has no criminal antecedent in which he is on bail and is languishing in judicial custody since 28.07.2024 without any rhymes or reason.

5. Learned counsel for the petitioner again submits that the co-accused namely Avinash Kumar has been granted



bail by this Court vide order dated 23.10.2024 passed in Cr. Misc. No. 75922 of 2024. He further submits that the co-accused Bhaskar Kumar has also been granted bail by this Court vide order dated 22.11.2024 passed in Cr. Misc. No. 72851 of 2024.

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

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case, the period of custody of the petitioner, the petitioner having no criminal antecedent as also the prayer for bail being based on parity, let the petitioner, abovenamed, 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. 49 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates



without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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