

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89228 of 2024

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

Krishna Kumar Son of Vikash 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, Advocate

For the Opposite Party/s : Ms. Sharda Kumari, APP

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

ORAL ORDER

2 08-01-2025 Heard learned counsel for the petitioner and learned APP
for the State.

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 two mobile phones and 3 pages 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. The petitioner has no concern with the alleged occurrence. 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 and is languishing in judicial custody since 28.07.2024 without any rhymes or reason. Other co-accused has been granted bail by this Court *vide* order dated 22-11-2024, passed in Cr. Misc. No. 72851 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. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, 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.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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