IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2265 of 2026

Arising Out of PS. Case No.-98 Year-2023 Thana- Cyber P.S. District- Darbhanga

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Nitesh Kumar Jha S/o- Late Mohan Jha @ Chandra Mohan Jha R/v- Chahuta Ps- Bisfi Dist- Madhubani

... ... Petitioner/s

Versus

1. The State of Bihar
2. Vivekanand Maharaj Saheb Maharaj R/o- Singhwada,Thana- Singhwara, District- Darbhanga

... ... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Mrigank Mauli, Sr. Advocate Mr. Vikas Kumar Jha, Advocate
For the Opposite Party/s	:	Mr. Binod Kumar, APP
For the Informant	:	Mr. Chaudhary Prem Kumar Thakur, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

5 01-05-2026 Heard Mr. Mrigank Mauli, learned senior counsel for the petitioner, Mr. Chaudhary Prem Kumar Thakur, learned counsel for the informant and Mr. Binod Kumar, learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 01.05.2025 in connection with Darbhanga Cyber P.S. Case No. 98 of 2023, F.I.R. dated 09.12.2023 for the offences punishable under Sections 420, 379, 467, 471, 506 and 34 of the IPC and Section 66(D) of the IT Act, 2000.

3. According to prosecution case, this petitioner along with one co-accused Ajay Kumar Ray impersonated themselves as the onwer of WEFALC Company and insisted the

informant to invest in their company and assured him that his money will be fourfold in seven months but after the stipulated time when the informant demanded his maturity amount then they refused to gave his money back and also threatened him for dire consequences.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that the petitioner has no control or access to the backend, server, domain, wallet system or withdrawal mechanisms of the said website. Petitioner is only one of the similar investors like informant and also invested in the aforesaid company through one Vikash Kumar Yadav and his ID was generated through web portal (Annexure-P/3) and petitioner has no role at all in the present occurrence. Investors have deposited the amount in question in the bank account of the co-accused, namely, Ajay Kumar Rai and petitioner has been made accused merely on the ground that he was also part and parcel of the company in question. He further submits that the petitioner has not received any single amount from the informant. He further submits that

similarly situated, co-accused, namely, Rajeev Kumar has been granted anticipatory bail by this Court vide order dated 22.03.2025 passed in Cr. Misc. No. 74747 of 2024 and co-accused, namely, Ajay Kumar Rai @ Ajay Kumar has been granted regular bail by Hon'ble Apex Court in Special Leave to Appeal (Crl.) No. 17863 of 2025. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 01.05.2025 i.e. about one year.

5. The learned counsel for the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that the petitioner was directly involved in the present crime in question. He instigate innocent people to invest in a fake company on assurance to make their money 4 times within 7 months. The witnesses in paragraph nos. 24, 25, 26, 27 and 28 of the case diary have supported the allegation as leveled in the FIR and they have stated that the petitioner was also directly involved in cheating and fraud with other accused persons but fairly submits that from perusal of the paragraph no. 3 of the case diary, it appears that the co-accused Ajay Kumar Rai is the owner of the company in question and petitioner is his associate.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent, co-accused Ajay Kumar Rai who is happened to be the owner of the company in question has been granted regular bail by the Hon'ble Apex Court and co-accused Rajeev Kumar has been granted anticipatory bail by this Court and police have already submitted chargesheet, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Darbhanga in connection with Darbhanga Cyber P.S. Case No. 98 of 2023, subject to the following conditions:-

i. Petitioner shall co-operate 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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