

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8306 of 2026

Arising Out of PS. Case No.-1902 Year-2025 Thana- Cyber P.S. District- Patna

1. Nitish Kushwaha @ Nitish Kumar Kushwaha Son of Phul Sagar Bhagat @ Phul Sagar Bhagat Resident of Village - Shikatiya Khas, Ward no. 04, Police Station - Kateya, District - Gopalganj.
2. Rahul Singh Son of Ramashish Bhagat Resident of Village - Shikatiya Khas, Ward no. 04, Police Station - Kateya, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajiv Ranjan Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 06-02-2026 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners have prayed for bail in connection with Patna Cyber P.S. Case No. 1902 of 2025 registered for the offence punishable under Sections 318(4), 318(2), 319(2), 317(2), 317(4), 336(2), 336(3), 338, 340(2), 112(2) and Sections 61(2)(a) of the B.N.S., 2023 and Sections 66(c) and 66(d) of the I.T. Act.

3. The case of the prosecution is that on secret information, police raided flat no. 405, Premkunj Apartment, Patna, and from there three persons were apprehended who were found using mobile phones for fraudulent activities. During the



search, the police seized 15 mobile phones, 61 ATM cards, a laptop, an Airtel Extreme Box, and a diary containing suspicious account numbers. On being asked, the apprehended persons disclosed the *modus operandi*.

4. Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. They have falsely been implicated in this case. Learned counsel for the petitioners submits that admittedly various ATM cards have been recovered, but there is no claimant of the ATM cards, and though there is allegation that the petitioners along with others were indulged in cyber fraud, there is no specific complaint or claim against them as to whom they have cheated. From perusal of the order of the learned trial court, it is clear that the trial court has rejected the bail petition of the petitioners only on the ground that the petitioners are involved in cyber fraud and have already been charge-sheeted by police. He further submits that a statement has been made in para 3 of the petition that petitioner no.1, namely, Nitish Kushwaha has no criminal antecedent whereas petitioner no.2, namely, Rahul Singh has criminal antecedent of one case and they are languishing in judicial custody since 31.08.2025.

5. The application for bail is opposed by the learned



APP for the State and submits that there are complaints on the accounts that were found on the WhatsApp number of these petitioners.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail with *the condition that the petitioners shall remain present on each and every date fixed by the learned trial court.* The above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each of them with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Patna in connection with Patna Cyber P.S. Case No. 1902 of 2025.

(Ashok Kumar Pandey, J)

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