

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31094 of 2026

Arising Out of PS. Case No.-40 Year-2025 Thana- Cyber P.S. District- Araria

Md. Khushnain S/o Abu Saleh Resident of Chirah, ward no. 02, P.S.-
Mahalgaon, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Gopal Kumar Jha, Advocate
For the State : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

3 15-07-2026 Heard the learned counsel for the petitioner and the
learned A.P.P. appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection with Araria Cyber P.S. Case No.40 of 2025 for allegedly having committed offences under Sections 121(1), 318(4), 338, 336(3), 340(2) and 3(5) of B.N.S., 2023 as well as under Section 66(C) and 66(D) of the I.T. Act.

3. As per the prosecution story, which has been lodged on the basis of the written report submitted by the informant, to the effect that on the date of occurrence, the informant received confidential information that in the house of Hasnain, five named accused persons are present and are using finger print clone to withdraw the amount illegally by committing Cyber fraud from different accounts. To verify the authenticity of the



information received, the informant along with police party, after giving information to the higher authorities, proceeded for the place of occurrence. It has been alleged that when the police party reached the house of Hasnain, they found that five persons are sitting on a bed which was placed on the floor, along with mobile, laptop and finger print clone was there in the hands of all the five persons. Upon seeing the police party, all the five persons started fleeing away after leaving the laptop, mobile and finger print clone. Upon search, four persons managed to escape, however one person was apprehended at the place of occurrence along with many finger print clone. The person, who was apprehended, disclosed his name as Md. Mukhtar and he disclosed the name of the persons who fled away as the petitioner and three others. He further disclosed that the mobile, laptop and the finger print clone belong to the persons who had fled away and they used to upload the documents of different persons from other States and after verifying the thumb impression from the document, they used to create finger print clone and then used to withdraw money illegally from the bank accounts of those persons. Accordingly, laptop, mobile and finger print clone were seized and the First Information Report was lodged.



4. The learned counsel for the petitioner submits that the petitioner is innocent and has not committed any offence, rather he has been made an accused in the present case on the basis of the confessional statement made by the apprehended person, namely, Md. Mukhtar. He further submits that the petitioner has got no concern with the alleged occurrence and he has not even withdrawn any money from any bank account. It is further submitted that at the time of occurrence, the petitioner was present at Nobel Hospital, Biratnagar, Nepal where his brother was being treated with regard to a serious accident. The learned counsel for the petitioner further submits that none of the independent witnesses have supported the case of the prosecution and further the petitioner is an accused in one another case bearing Araria Cyber P.S. Case No.03 of 2026.

5. Per contra, the learned APP appearing on behalf of the State opposes the prayer for grant of anticipatory bail to the petitioner and submits that the petitioner is a habitual offender and has been made accused in similar type of case and he along with co-accused, Hasnain and others used to prepare the finger print clone and to withdraw money illegally from the accounts of different persons.

6. Having considered the rival submissions and after



going through the records, it appears that a raid was conducted in the house of co-accused, Hasnain where one person, namely, Md. Mukhtar was apprehended. On his disclosure, the name of the petitioner and others transpired in the present case. From the place of occurrence, laptop, mobile and finger print clone were recovered. Further, the petitioner has also been made accused in one another case related to Cyber fraud and he is involved in duping innocent people/persons by using finger print clone and other means by withdrawing money from their bank accounts.

7. Taking into consideration the facts aforesaid, this Court is not inclined to extend the privilege of anticipatory bail to the petitioner. Accordingly, the prayer for grant of anticipatory bail to the petitioner is rejected in connection with Araria Cyber P.S. Case No.40 of 2025, pending in the court of the learned Judicial Magistrate, 1st Class, Araria.

(Ritesh Kumar, J.)

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