

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35772 of 2026

Arising Out of PS. Case No.-2 Year-2026 Thana- Cyber P.S. District- West Champaran

Badal Kumar Son of Shambhu Kushwaha @ Shambhu Bhagat Resident of
Village- Charghariya, Police Station -Valmiki Nagar, District -West
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kr Singh No. 1, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

2 26-05-2026 Heard the learned counsel for the petitioner and the
learned A.P.P. appearing for the State.

2. The petitioner apprehends his arrest in connection
with Cyber (Bagaha) P.S. Case No.2 of 2026, for allegedly having
committed offences under Sections 318(4), 112 and 3(5) of the
B.N.S., 2023 as well as under Section 66(C) and 66(D) of the
Information Technology Act.

3. As per the prosecution case, which has been lodged
on the basis of the written report submitted by the informant, to the
effect that he came to know about cyber fraud by using several
bank accounts, while he was going through a complaint lodged on
N.C.R.P. portal. For its verification, a team was constituted and
raid was conducted in the house of co-accused, Hira Kumar and
Sidharth Kumar. Co-accused, Hira Kumar and Sidharth Kumar



revealed the names of other co-accused persons, who are also involved in the occurrence. It has further been alleged that co-accused Hira Kumar revealed that he came in contact with a person having Mobile No.9934201133 on social media who lured him for opening bank accounts for transaction of money and assured him to pay 10% for each transaction. On the offer given by the said person, Hira Kumar persuaded co-accused, Adarsh Kumar, Sidharth Kumar and the present petitioner to get involved in the fraud. Some other persons were also involved in the said fraud and some A.T.M. Cards and Pass Books were also recovered which were of different banks and in different names.

4. The learned counsel appearing on behalf of the petitioner submits that the name of the petitioner transpired in the present case on the statement made by co-accused, Adarsh Kumar, who had withdrawn Rs.2,90,000/- from his own account through cheque. He further submits that he has got no concern with the alleged fraud and he is the brother of another accused, namely, Hira Kumar, who was also arrested. The allegation against the petitioner is that he has withdrawn Rs.40,000/- from the account of his brother, Hira Kumar through cheque and has further withdrawn Rs.2,00,000/- from the account of Sidharth Kumar through cheque. The learned counsel for the petitioner further submits that no complaint has been made with regard to any fraudulent



withdrawal. He further submits that the only allegation against the petitioner is of withdrawal of money from the account of his brother, Hira Kumar and co-accused, Adarsh Kumar by cheques given by his brother. It is further submitted that the petitioner was persuaded by his brother and co-accused, Hira Kumar for opening the bank account as he was lured for payment for each transactions, which is made through the said bank account and the petitioner was not aware about the same. The learned counsel for the petitioner further submits that the petitioner has got a clean antecedent.

5. *Per Contra*, the learned APP appearing on behalf of the state opposes the prayer for anticipatory bail of the petitioner and submits that the petitioner is involved in cyber fraud and he is the brother of co-accused, Hira Kumar and his name has transpired in the present case on the confessional statement made by Sidharth Kumar and Hira Kumar. He further submits that co-accused, Sidharth Kumar has filed a petition for regular bail being Criminal Miscellaneous No.28802 of 2026, in which a Hon'ble Single Judge of this Court has been pleased to call for the case diary vide order dated 28.04.2026. It is further submitted that co-accused, Hira Kumar has also filed a petition for regular bail vide Criminal Miscellaneous No.35780 of 2026 and the same is pending for adjudication before this Court. It is submitted by the learned A.P.P.



for the State that the petitioner does not deserve the privilege of anticipatory bail, since he is member of a gang which cheats the common people using phone and other means by duping their hard earned money.

6. Having heard the rival submissions and after going through the records, it appears that the name of the petitioner transpired in the present case on the basis of the statement made by co-accused, Hira Kumar and Sidharth Kumar, from whom Pass Books and A.T.M. Cards of different banks were recovered. The petitioner is also involved in the said crime and has done certain transactions from his account as well as from the account of Hira Kumar and Sidharth Kumar.

7. Taking into consideration the facts aforesaid, this Court is not inclined to grant the privilege of anticipatory bail to the petitioner and, accordingly, the prayer for grant of anticipatory bail to the petitioner is hereby rejected.

(Ritesh Kumar, J.)

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