

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36444 of 2026

Arising Out of PS. Case No.-45 Year-2025 Thana- Cyber P.S. District- West Champaran

BHOLA KUMAR @ BHOLA BHAITHA Son of Jirjudhan Baitha @
Duryodhan Baitha Resident of Village- Khora (Pokhariya Ray), P.S.-
Chanpatiya, Bettiah, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sujeet Kumar, Advocate

For the Opposite Party/s : Mr. Suresh Pd, Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 04-06-2026 The Court proceeding is being conducted through
virtual mode.

2. Heard learned counsel for the petitioner and learned
APP for the State.

3. The petitioner is apprehending arrest in connection
with Bettiah Cyber P.S. Case No. 45 of 2025, dated 02.09.2025,
lodged under Sections 303(2), 319(2), 318(4), 61(2), 317(2) &
351(3) of the Bhartiya Nyaya Sanhita, 2023 (hereinafter referred
to as “BNS, 2023”) and under Sections 66, 66(C) and 66(D) of
the I.T., Act, 2000, pending before the Court of J.M., 1st, Bettiah,
West Champaran.

4. As per the prosecution, on 16.08.2024, the
informant Hare Ram Kumar Sah was travelling along with his



brother-in-law Ranjit Kumar. During the journey, his mobile phone (OPPO Reno 10) was stolen. Later, on 19.08.2024, when he went to the bank to check his account, he found that almost all the money from his account had been withdrawn through UPI transactions without his permission. After checking the bank statement, it was found that the money was transferred to the bank account of Bhola Kumar. Some other small amounts were also sent to different accounts. On inquiry, Bhola Kumar told him that the mobile phone had been stolen by Ranjit Kumar, and the stolen phone was used to take out money from his bank account. When the informant asked for his money back, both accused refused to return it and also misbehaved with him. Thus, it is alleged that both accused persons stole the mobile phone and used it to illegally transfer money from the informant's bank account.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. It is further submitted that the informant has no grievance at present, however, the present criminal case has been instituted by the informant, and therefore the petitioner has filed the present anticipatory bail application. It is also submitted that the criminal antecedent of the petitioner is clean.



6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the allegation against the petitioner is specific.

7. Considering the facts and circumstances of the present case, this Court is not inclined to grant anticipatory bail to the petitioner at this juncture.

8. Liberty is hereby granted to the petitioner that if the petitioner and the informant appear together before the learned Trial Court and the informant is not willing to pursue the present case, the learned Trial Court shall consider and dispose of the petitioner's surrender-cum-bail application on the same day, without being prejudiced by the fact that the anticipatory bail application of the petitioner has been rejected by this Court. The Trial Court shall pass its order on merits, taking into consideration the fact that the informant is not willing to pursue the case.

9. Accordingly, the present bail application stands disposed of.

(Dr. Anshuman, J.)

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