

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.38221 of 2026**

Arising Out of PS. Case No.-37 Year-2026 Thana- Cyber P.S. District- Nawada

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Gautam Kumar S/o Arvind Vishwakarma Resident of village- Balwapar, P.S-  
Warisaliganj, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

|                            |   |                                 |
|----------------------------|---|---------------------------------|
| For the Petitioner/s       | : | Mr. Ajay Kumar Thakur, Advocate |
|                            |   | Mr. Purushottam Kumar, Advocate |
| For the Opposite Party/s : |   | Mr. Jagdhar Prasad, APP         |

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**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

3      24-07-2026                      Heard Learned Counsel for the petitioner and  
  
Learned APP for the State.

2. The present criminal miscellaneous application has been filed under Sections 483 and 484 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as ‘the BNSS, 2023’) for grant of regular bail to the petitioner who is in custody in connection with Cyber P.S. Case No. 37 of 2026, lodged on 07/04/2026, under Section 303(2), 316(2), 318(4), 338 and 319(2) of the Bhartiya Nyaya Sanhita, 2023.

3. As per the prosecution, allegation of cyber fraud has been alleged against the present petitioner. It has been alleged in the FIR that the petitioner and other accused persons were apprehended by a team of police and from the petitioner’s



possession, three mobile having different IMEI number have been recovered. It has been alleged in the FIR that upon opening the mobile, it has been found that in the name of blue dart parcel, they used to commit *thagi* by way of hacking of mobile and APK file has also been installed by which SBI logo has been attached there. In addition to that in the petitioner's mobile complaint from four different states have been lodged.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that he is young aged person of 22 years of age and on the suspicion of wrong doer in Cyber Law he has been arrested. Counsel submits that nothing incriminating has been found from his possessions save and except the mobile which has been recovered from his possession. Counsel submits that the criminal antecedent of the petitioner is not clean as there are three criminal cases pending against him in which he is on bail in two cases. Counsel submits that he is in custody since 08/04/2026. Counsel submits that keeping the petitioner in custody shall ruin his carrier. In addition to that Counsel submits that on the previous occasion case diary was called for and no material has come against him in the case diary save and except earlier alleged in the FIR. Counsel submits that police has used



only confessional statement against him. Counsel submits that confessional statement cannot be used as a reference. Counsel further submits that petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that petitioner is not innocent, he is expert of committing offence in cyber space, for which territorial boundary is unlimited. Counsel further submits that in Paragraph-11, the confessional statement has come but he submits that from the recovery of the evidence, which is available in the mobile phone, is nothing but the corroboration of his confession what he has alleged that has found in the mobile. Therefore, the statement of confession shall not be only statement of confession; rather it is a corroboration and particularly when the police has annexed the details of *Modus Operandi* as to how he used to commit offence which is by way of contacting on the different phones. Counsel submits that the correspondence and the copy of the same is attached in the case diary.

6. It transpires to this Court that there are three criminal cases pending against the petitioner, all related to cyber offence and four complaint lodged against the said mobile



number from the different States.

7. In this background, this Court is not inclined to grant bail to the petitioner. Hence, the prayer for bail of the petitioner is hereby refused.

**(Dr. Anshuman, J)**

Mkr./Anshuman/

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