IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55802 of 2026

CNR No. BRHC010743862026

Arising Out of PS. Case No.-14 Year-2025 Thana- RAIL PATNA CYBER P.S. District- Patna

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Mukesh Kumar Son of Gopal Prasad Gupta R/o Village/ Mohalla- Vishram Nagar, Dhanpura, P.S.- Arrah (Ara Town), District- Bhojpur

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Diwakar, Adv.
For the Opposite Party/s : Mr. Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 04-11-2026 Heard Mr. Diwakar, learned Counsel for the petitioner and Mr. Bharat Bhushan, learned APP for the State.

2. The petitioner apprehends his arrest in connection with Rail Cyber P.S. Case No. 14 of 2025 for the offence registered under sections 303(2) of BNS and Section 66(C) and 66(D) of the IT Act lodged on 29.07.2025 by the informant, Vijay Singh Kushwaha.

3. As per the prosecution story, the informant alleged that on 20.06.2025, he was travelling with his daughter and grand-daughter from Patna to Dr. Ambedkar Nagar (Mahu) and while crossing Ara station, he put his mobile on charging and went to the washroom, on his return, found the mobile phone missing. Thereafter, on reaching Pritampur, a fresh SIM card

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was issued whereafter, he came to know that between 21.06.2025 to 23.06.2025, seven transactions took place from the stolen mobile phone and Rs. 69,000/- was deducted. This followed the zero FIR and its transfer to Bihar which thereafter, followed Rail Cyber P.S. Case No. 14 of 2025 which was registered on 29.07.2025.

4. Out of the seven transactions, one transaction was done through the account of the petitioner, Mukesh Kumar and paragraph 58 records that he is running a common service centre from where Rs. 9,000/- was transferred. The Police visited the place, took statement of the petitioner but when asked for CCTV footage, he informed that the place do not have CCTV Camera.

5. Learned Counsel for the petitioner submits that admittedly, he is running a service centre where the needy people come and for a small fee, the transaction takes place, he do not recall the person but indeed, Rs. 9,000/- was transferred from the alleged stolen phone, he has no criminal antecedent.

6. Learned APP for the State, on the other hand has again taken this Court to paragraph 58 of the case diary to show that if he is running a common service center and dealing with the financial transaction, the least that was expected was to install a CCTV Camera and if that would have been the case, the

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Police could have easily gone to the doors of the main accused. This deliberate missing out of the CCTV cannot be ignored and thus petitioner has rightly been implicated in the case.

7. Learned counsel for the petitioner submits that though the said CCTV is/are missing in the service centre, it will be installed soon. Further, reiteration is that he do not have criminal antecedent and without accepting the allegation and/or the outcome of the present petition, the petitioner on its own would like to pay Rs. 69,000/- through Demand Draft issued by the local branch of the State Bank of India/any Nationalized Bank to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

8. Considering the submissions of the parties aforesaid as also that he is running a common service centre, has no criminal antecedent, is ready to co-operate in the investigation, this Court is inclined to grant him the anticipatory bail with conditions subject to payment of Rs. 69,000/- to the informant as undertaken by the learned counsel for the petitioner to be paid by Demand Draft of local branch of the State Bank of India/any Nationalized Bank to be submitted to the Trial Court.

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9. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned RJM, Railway, Patna/Concerned Court in connection with Rail Cyber P.S. Case No. 14 of 2025 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official document (Aadhar Card, PAN Card, Driving License, Voter ID) to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall be appearing before the Police Station as and when required for cooperating in the investigation.

(iv) the petitioner shall appear before the concerned police station every month for next six months to mark attendance and at the end of the period, the certificate be submitted to the Court;

(v) the petitioner shall in no way try to induce or

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promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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