IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82363 of 2025

Arising Out of PS. Case No.-2 Year-2025 Thana- Cyber P.S. District- Sheikhpura

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Dilip Kumar son of Kharo Pandit @ Kharo Prasad @ Kharo Yadav Resident Of Village -Barui P S -Sheikhpura District -Sheikhpura

... ... Petitioner/s

Versus

The State of Bihar bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Rizwanul Haque
For the Opposite Party/s : Mr. Raj Kishor Singh

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

8 12-05-2026 Heard the learned counsel for the petitioner and the learned APP for the State.

2. This is the 2nd attempt of the petitioner seeking bail in connection with Sheikhpura P.S. Case No. 02 of 2025 registered for the offence under Sections 318(4), 61(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 66© of the IT Act.

3. Earlier the bail application of the petitioner was rejected on 25.06.2025 in Cr. Misc. No. 23450 of 2025, which reads as follows:-

> *Heard learned counsel for the petitioner and learned A.P.P. for the State.*
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> *2. The petitioner seeks bail in connection with Sheikhpura Cyber P.S. Case No. 02 of 2025 dated 06.02.2025 registered for the offences punishable under Sections 318(4), 61(2) read with Section 3(5) of the B.N.S., 2023*

and Section 66C of the I.T. Act.

3. As per the prosecution case, on 05.02.2025 on receiving an information by the informant from Branch Manager, Bank of Maharashtra, Sheikhpura Branch, that an account bearing A/C No. 60487378208 which is a current account of M/S. R.K.P. Construction and which was opened on 15.04.2024 seems to be suspicious and the account holder of thesaid account has visited the branch, the informant went to the said Branch and the Branch Manager informed him that at the time of opening different meager transactions were made in the said account. He further informed that on 29.01.2025, the account holder has prayed to increase the limit of Internet Banking to Rs. 10 Crores and thereafter a monitoring was done of the said bank account then it was found that in the entire day, several meager transactions took place in the said account. The Manager has given a letter of request to verify the account and when the account holder was asked about his name and address, he disclosed himself as the petitioner and also disclosed that he has opened the said account for the purpose of business as per instruction by one Abhishek. He has further informed him that some amount will come in the said account and further he has to transfer the same on the account numbers as informed to him by the said Abhishek for which he would receive some commission. The informant further said that the petitioner did not produce any document for his Institution. Further the mobile number of the petitioner was verified and it was found that he was talking to Abhishek Kumar regularly. The said petitioner further informed that the Net Banking and UPI are operated by Abhishek Kumar as he has given his Cheque Book, ATM Cardand Mobile Number 7870476824 which is linked to the account of Abhishek Kumar. The informant further stated that he received bank statement by *the Manager and found that many transactions have been made from 09.05.2024 and till 06.02.2025 and altogether 1174 times amount has been credited in the account which is Rs. 2416455/- and 83 times amount has been debited from the account which is Rs. 2083255.48/- and till date Rs. 333199.52/- is still in the account. It has also further come that the petitioner was operating four other accounts as well upon which four complaints are there which are regarding Rs. 400/-, 26000/-, 15000/- and 50,000/- respectively.*

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that petitioner is a businessman and is engaged in the work of construction and has opened the present account in the said bank after fulfilling all the norms as required for opening a current account in the said bank viz. GST was done and other documentation required were provided. The bank opened the account after getting satisfied of all the documents provided by the petitioner. It is further submitted that in the F.I.R., no where it has been mentioned that any fraud was done. It is further submitted that no body has made complaintagainst the said account of the petitioner. It is further submitted that the petitioner was called by the police in the police station and he went there and replied all the questions and quarries as made by the police but the police arrested him stating only a line that some of the complaints have been found on other account of the petitioner. It is further submitted that if the petitioner is involved in cyber fraud he would not have gone to the police station or participated in the inquiry made by the police. No incriminating article has been recovered from the possession of the petitioner. It is further submitted that except suspicion, there is nothing on record to suggest

> *any forgery has been committed with any individual by the petitioner in any manner. It is further submitted that during the course of investigation, not a single independent witness has come forward before the police that forgery has been committed with them by the petitioner. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 07.02.2025.*
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> *5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner and has submitted that the petitioner is involved in cyber crime and he alongwith other co-accused persons used to cheat the innocent people. The account which was being used in the cyber crime is in the nameof the petitioner and from the date of opening, the account i.e., 15.04.2025 till date, several lakh rupees have been transferred to that account. He has further submitted that there are many accounts in the name of the petitioner as per the J.M.I.S. Portal, complaints have been filed on all the accounts and investigation is still pending.*
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> *6. Considering the aforesaid facts and circumstances of the case and finding substance in the contention of the learned A.P.P. for the State, this Court is not inclined to grant bail to the petitioner and the same is rejected in connection with Sheikhpura Cyber P.S. Case No. 02 of 2025, pending in the court of learned C.J.M. Sheikhpura.*
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> *7. The application stands rejected.*
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> *8. The learned trial court is directed to expedite the trial of the petitioner and conclude the same at the earliest.*

4. The learned counsel for the petitioner submits that the trial is going on. The petitioner is in custody since

07.02.2025.

5. Considering the fact that the petitioner is involved in cyber crime and huge transactions have been made in the bank account of the petitioner, I am not inclined to grant regular bail to the petitioner. Accordingly, this application for regular bail stands rejected.

(Sandeep Kumar, J)

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