

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85616 of 2025

Arising Out of PS. Case No.-1670 Year-2025 Thana- Cyber P.S. District- Patna

Nitish Kumar, Son of Surpati Singh, R/O- Chandi Tola Banni, P.S.- Mahesh
Khut, Distt.- Khagariya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 85808 of 2025

Arising Out of PS. Case No.-1670 Year-2025 Thana- Cyber P.S. District- Patna

Ayush Kumar, S/o Sanjay Kumar, Resident of- Khagariya, P.S.- Chitragupta,
District- Khagariya, at present R/o Village- Sapha, Ward No. 09, P.S.-
Maheshkhunt, District – Khagariya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 85616 of 2025)

For the Petitioner/s : Mr. Nityanand Kumar, Adv.

For the Opposite Party/s : Ms. Pushpa Sinha-1, APP

(In CRIMINAL MISCELLANEOUS No. 85808 of 2025)

For the Petitioner/s : Mr. Vivekanand Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY



ORAL ORDER

2 08-01-2026 Since both these applications arising out of same F.I.R., they are being taken up together and are being disposed off by this composite order.

2. Heard the learned counsel for the petitioners and the learned Addl. Public Prosecutors for the State.

3. The petitioners, who are in custody, seek bail in connection with Patna Cyber P.S. Case No. 1670 of 2025 registered for the offence(s) punishable under Section(s) 318(2), 318(4), 319(2), 111(2)(b), 317(2), 317(4) and 61(2) of the Bharatiya Nyaya Sanhita, 2023 (B.N.S.) and Section(s) 66(C) and 66(D) of the I.T. Act.

4. As per the prosecution case, the police of the Cyber Cell on a tip-off, raided the house of Ranvijay Kumar at Hanuman Nagar and apprehended total 5 persons, who disclosed name of two other persons, namely, Piyush Kumar and Nityanand Kumar, who were engaged in cyber fraud, had fled. The police upon search recovered mobiles, laptop and tabs etc.

5. The learned counsel appearing for the petitioner / Nitish Kumar [*Cr. Misc. No. 85616 of 2025*] submits that the petitioner has falsely been implicated in this case and the recovery has been made from the house of



Ranvijay Kumar and it was not made from the conscious possession of the petitioner and the seizure-list certifying the same has been wrongly prepared. It has next been submitted that on perusal of the F.I.R., it would be evident that there was general seizure made from the room and no specific article was recovered from any of the co-accused persons, including the petitioner. It has lastly been submitted that the petitioner has no criminal antecedent and he is in custody since 21.07.2025.

6. The learned counsel for the petitioner/Ayush Kumar [*Cr. Misc. No. 85808 of 2025*] submits that the petitioner has falsely been implicated in this case and no incriminating article has been recovered from his conscious possession. It has been submitted that the mobile phone and the ATM card recovered from the possession of the petitioner is of the petitioner and no illegal activities has been found to be made from the same. It has lastly been submitted that the petitioner carries no criminal antecedents and he is in custody since 27.07.2025.

7. It has jointly been submitted on behalf of the petitioners that co-accused/ Dharamveer Kumar has been enlarged on bail *vide* order dated 08.01.2026 passed in Cr. Misc. No. 88779 of 2025.



8. The learned Addl. Public Prosecutors for the State has vehemently opposed the prayer for grant of bail to the petitioners

9. Regard being had to the facts and circumstances of the case, let both the petitioners, above-named, be released on bail on their furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Patna Cyber P.S. Case No. 1670 of 2025, subject to the following conditions:-

(i) One of the bailors of the petitioners shall be their close relative and the other shall be a local resident.

(ii) The petitioners shall remain physically present before the concerned Court on each and every date of the trial and shall cooperate in the investigation.

(iii) In case of absence for two consecutive occasions or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the concerned Court.

(iv) If the petitioners, in future, is found to be involved in similar nature of offence(s), the prosecution shall be at liberty to move for cancellation of their bail bond.

(v) The concerned Court shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that they have concealed their criminal antecedents, the Court concerned shall take necessary steps for cancellation of their bail bond. However, the acceptance of bail bond in terms of the above-mentioned order shall



not be delayed for purpose of or in the name of verification.

(vi) In view of the antecedent of the petitioners, the petitioners are directed to appear before the Superintendent of Police, Patna within fifteen (15) days of their release with a copy of this order and every two weeks thereafter for the next nine months. The conduct of the petitioners will be kept under watch in this period by the concerned Superintendent of Police and if it is found wanting in any respect, a report shall be made to the Court concerned by him to initiate a proceeding for cancellation of bail of the petitioners for reasons of misuse of bail. After reporting to the Superintendent of Police, a certificate will be filed by the petitioners before the Court concerned.

10. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

11. Both the applications stand allowed and disposed off accordingly.

(Sourendra Pandey, J)

Praveen-II/-

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