

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87287 of 2025**

Arising Out of PS. Case No.-242 Year-2025 Thana- GRIYAK District- Nalanda

Uttam Kumar @ Utam Kumar S/o Ajit Prasad R/o vill - Parmanandpur, P.S.-
Katrisarai (Giriyak), Distt.- Nalanda

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**With
CRIMINAL MISCELLANEOUS No. 91977 of 2025**

Arising Out of PS. Case No.-242 Year-2025 Thana- GRIYAK District- Nalanda

Amit Kumar S/o Mahesh Kumar @ Mahesh Prasad Resident of village-
Permanand Pur, P.S.- Katari Sarai, District- Nalanda

... .. Petitioner

Versus

The State of Bihar Bihar

... .. Opposite Party

Appearance :

(In CRIMINAL MISCELLANEOUS No. 87287 of 2025)

For the Petitioner/s : Mr.Ritesh Kumar Sinha, Advocate

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

(In CRIMINAL MISCELLANEOUS No. 91977 of 2025)

For the Petitioner/s : Mr.Anil Kumar No. I, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 09-02-2026 Heard learned counsel for the petitioners and learned

APP for the State in both these anticipatory bail petitions.

2. The accused-petitioners, named in the F.I.R., are apprehending their arrest in connection with Giriyak (Katrisarai) P.S. Case No. 242 of 2025 registered for the offences punishable under Sections 318(4), 319(2), 336(3),



338, 339, 370(2), 61(2), 3(5) of the Bhartiya Nyay Sanhita, 2023 (in short, the 'B.N.S.') and section 66(C) & 66(D) of the Information Technology Act, 2000.

3. The allegation against the petitioners is to involve in cyber fraud, where upon police raid, several debit cards, mobile, sim cards, cash, passports etc. were recovered from the house of co-accused Gautam Kumar. It is alleged that petitioners were present at the time of raid conducted by police.

4. Learned counsel appearing on behalf of the petitioner (in Cr. Misc. No. 87287 of 2025) submitted that presence of the petitioner in the house of said Gautam Kumar at the time of raid was only for the reason that petitioner is own brother of said co-accused Gautam Kumar. It is submitted that all incriminating materials recovered from the house of co-accused Gautam Kumar and being brother of Gautam Kumar, this petitioner was implicated in this case without having any cogent material. It is pointed out that compliance of section 103(4) of the B.N.S.S. regarding search of the premises not appears to be followed in the



present case.

5. While concluding argument, learned counsel submitted that petitioner found involved in one more criminal case of petty nature, in which he is on bail.

6. Arguing further, it is submitted that investigation *qua* apprehended co-accused persons has already concluded and, therefore, sending the petitioner behind the bar would not serve any judicial purpose and also custodial interrogation is not required in the present case.

7. Learned A.P.P. for the State opposes the prayer of anticipatory bail of the petitioner.

8. So far as petitioner in Cr. Misc. No. 91977 of 2025 is concerned, it is submitted by learned counsel appearing on behalf of the petitioner that name of this petitioner transpired in this case only on the basis of disclosure of apprehended co-accused persons and in furtherance of suspicion arising out of disclosure, nothing incriminating material appears recovered from possession of this petitioner. It is further submitted that entire incriminating materials appears recovered from the house of co-accused Gautam Kumar.



9. While concluding argument, it is submitted by learned counsel that petitioner found involved in one more criminal case related with excise matter, in which he is on bail.

10. In view of aforesaid factual submission and by taking note of the fact as *prima facie* all incriminating materials appears recovered/seized from the house of co-accused Gautam Kumar, where implication of petitioner namely, Uttam Kumar @ Utam Kumar (in Cr. Misc. No. 87287 of 2025) *prima facie* appears only being brother of said co-accused Gautam Kumar; and in so far as petitioner namely, Amit Kumar (in Cr. Misc. No. 91977 of 2025) is concerned, *prima-facie* save and except suspicion arising out of disclosure statement of apprehended co-accused persons, nothing incriminating material appears to be recovered from possession of this petitioner namely, Amit Kumar, accordingly, both petitioners namely, Uttam Kumar @ Utam Kumar and Amit Kumar, in the event of their arrest/surrender within a period of four weeks from this order, are directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) each with two sureties of the like amount



each to the satisfaction of learned Chief Judicial Magistrate, Biharsharif, Nalanda /concerned court in connection with Giriyak (Katrisarai) 242 of 2025, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

11. Accordingly, both these anticipatory bail petitions stand allowed.

(Chandra Shekhar Jha, J)

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