IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88464 of 2025

Arising Out of PS. Case No.-123 Year-2025 Thana- Cyber P.S. District- Nawada

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Raushan Kumar @ Raushan @ Lambu Son of Bhutani Ram @ Bhutali Ram Resident of Village - Bhavani Bigha, Police Station - Warisaliganj, District - Nawada.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Sudish Kumar
For the Opposite Party/s : Mr. Amitesh Kumar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

4 29-04-2026 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises out of Nawada Cyber Police Station Case No. 123 of 2025, disclosing offences under Sections 303(2), 318(2), 318(4), 319(2), 336(2), 336(3), 338, 340(2), 111, 317(2), 317(5), 61(2) of the BNS, 2023.

3. As per the prosecution case, the present case arises from information received via the Pratibimb App on 04.08.2025 regarding cyber fraud being committed through an Instagram advertisement offering online loans. Acting on tower location, the police conducted a raid at village Bhawani Bigha, where one accused person was apprehended while two others

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fled. From the arrested accused person, mobile phones were recovered, and upon search of the co-accused petitioner's house, multiple mobile devices, SIM cards, and a motorcycle were seized. During interrogation, the co-accused disclosed that he, along with others including the petitioner, used to collect personal documents from victims on the pretext of providing online loans and fraudulently extort money under various charges using digital payment methods.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case on the basis of suspicion. He has been made accused merely on the basis of statement made by arrested co-accused and the allegations against him are general and omnibus in nature. It is next submitted that although certain articles were recovered from the petitioner's house, the same have no nexus with the alleged cyber offence. The petitioner also raises procedural irregularities, contending that the seizure witnesses are police personnel, in violation of the relevant provisions of the B.N.S.S. Moreover, no independent witness or material evidence has emerged during investigation to substantiate the allegations, rendering the prosecution case based solely on suspicion.

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5. I have heard learned counsel for the parties and perused the materials on record. The Police apprehended one person with incriminating articles which appears to be used in cyber crime. The apprehended person has disclosed that they, including the petitioner, operate an organized gang for committing cyber crime. The Police recovered mobile devices, SIM cards, and a motorcycle from petitioner's house and the fact that all accused persons appears to have formed a gang to defraud the innocent public and the phishing/cyber fraud is rampant in the area where the attackers try to trick individuals into providing user names, password and other details and are indulged in e-mail phishing, voice phishing, SMS phishing etc. and the case is still under investigation, for which, custodial interrogation of the petitioner may be required, I am not inclined to grant the petitioner privilege of anticipatory bail.

6. This application is, accordingly, rejected.

(Anil Kumar Sinha, J)

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