IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.91773 of 2025

Arising Out of PS. Case No.-3 Year-2025 Thana- Cyber P.S. District- Sheikhpura

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Vivek Kumar S/o Late Madan Mahto R/v- Puranbigha, P.S.- Pandarakh, Distt.- Patna

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Jharkhandi Upadhyaya, APP

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR

ORAL ORDER

5 23-04-2026 Heard the learned Counsel for the petitioner, the learned Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Sheikhpura (Cyber) P.S. Case No. 03 of 2025, registered for the offences punishable under sections 318(4), 61(2) read with section 3(5) of the B.N.S. and section 66(c) of the I.T. Act.

3. As per the case of the prosecution, in substance, is that on 10.02.2025, upon information from the Branch Manager, Bank of Maharashtra, Sheikhpura, the police examined current account standing in the name of M/s Shambhu Fish Supplier and found its operation to be highly suspicious, inasmuch as, from the very inception of the account, innumerable small-value credits were being received throughout the day, while the account holder, one Shambhu Kewat, failed to furnish any satisfactory explanation for the same. On verification through the *Samnvay* J.I.M.S and N.C.R.P portals, three cyber fraud complaints were found linked to the said account, including direct first-layer credits from accounts of the complainants on the aforementioned portals. The bank statement further disclosed that between 14.01.2025 and 10.02.2025, the account had received 11,860 small-credit transactions aggregating about Rs. 1,59,08,390/- and 149 debit transactions aggregating about Rs. 1,54,64,920.40. During interrogation, the accused allegedly disclosed that the account, GST details and SIM cards had been procured and handed over for operation by the petitioner in lieu of a commission.

4. The allegation against the petitioner is alleged to have fraudulently operated the current account standing in the name of M/s Shambhu Fish Supply and of having committed cyber fraud.

5. The learned counsel for the petitioner submits that the petitioner has been falsely been implicated in the case due to village politics and the petitioner has not cheated anyone. It is the submission of the learned counsel for the petitioner that the police have implicated the present petitioner merely on suspicion. It is next submitted by the learned counsel for the petitioner that the mobile numbers of the petitioner and his wife were checked by the Cyber Police and no complaints had been made against the mobile numbers of the petitioner or his wife.

6. It is next submitted by the learned counsel for the petitioner that a Co-ordinate Bench of this Court *vide* order dated 07.11.2025 passed in ***Criminal Miscellaneous No. 23521 of 2025*** titled as '***Shambhu Kewat vs State of Bihar***' had enlarged the co-accused Shambhu Kewat on regular bail. It is lastly submitted that the present petitioner has clean criminal antecedent and he is in custody since 31.10.2025.

7. Learned APP for the state has vehemently opposed the prayer for regular bail and has submitted that the petitioner used to pay commission to the co-accused Shambhu Kewat for operating the net-banking facilities of the current account and was engaged in cyber fraud.

8. From the perusal of the records, it appears that the present petitioner was engaged in fraudulently operating the bank account of M/s Shambhu Fish Supplier. The co-accused Shambhu Kewat in his self-inculpatory statement had stated that the petitioner, who had earlier stayed with him in Delhi, had induced him in lieu of commission to use the G.S.T credentials of the aforesaid M/s Shambhu Fish Supplier, and thereafter got the current account opened in Bank of Maharashtra which was being operated by the petitioner through internet banking. The investigation against the co-accused Shambhu Kewat had been completed and the charge sheet was submitted, however, the investigation against the present petitioner is still going on.

9. Considering the fact that the petitioner is alleged to have been the mastermind behind the cyber fraud, this Court is not inclined to grant bail to the petitioner.

10. Accordingly, the application stands dismissed.

11. It is made clear that, any observation made herein is *prima facie* in nature, limited solely for the purpose of the present bail application and shall have no bearing on the trial. This Court has not expressed any opinion on the merits of the case.

(Sandeep Kumar, J)

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