

Shasikant Kumar @ Shashikant Kumar @ ... vs The State Of Bihar on 17 February, 2025

Author: Rajiv Roy

Bench: Rajiv Roy

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.75670 of 2024

Arising Out of PS. Case No.-53 Year-2024 Thana- Cyber P.S. District- Nawada

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Shasikant Kumar @ Shashikant Kumar @ Shashikant Kumar Singh @ Guddu
@ Guddu Singh S/O Shailendra Kumar R/O Village- Biharsharif, P.S-
Biharsharif, Distt.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 76100 of 2024

Arising Out of PS. Case No.-53 Year-2024 Thana- Cyber P.S. District- Nawada

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RAVI KUMAR Son of Ashok Prasad Resident of village - Devisarai, Police
Station - Deepnagar, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 78567 of 2024

Arising Out of PS. Case No.-53 Year-2024 Thana- Cyber P.S. District- Nawada

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Shashikant Kumar @ Bablu son of Kedar Prasad Resident of village-
Paingari, Police station- Warisaligan,j District -Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 75670 of 2024)

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Adv.

Mr. Nilendu Kumar Choudhary, Adv.

Mr. Kumar Rajdeep, Adv.

For the Opposite Party/s : Mr. Bharat Bhushan, APP

(In CRIMINAL MISCELLANEOUS No. 76100 of 2024)

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Adv.

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

(In CRIMINAL MISCELLANEOUS No. 78567 of 2024)

For the Petitioner/s : Mr. Anil Kumar Singh, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

Patna High Court CR. MISC. No.75670 of 2024(4) dt.17-02-2025

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ORAL ORDER

4 17-02-2025

Heard Mr. N.K. Agrawal, learned Senior Counsel for the petitioner and Mr. Bharat Bhushan, learned APP in Cr. Misc. No. 75670 of 2024, Mr. Nilendu Kr. Choudhary, learned counsel for the petitioner and Mr. Jitendra Kumar Singh, learned APP in Cr. Misc. No. 76100 of 2024 as also Mr. Anil Kumar Singh, learned counsel for the petitioner and Ms. Pushpa Sinha in Cr. Misc. No. 78567 of 2024.

2. The petitioners are in custody in connection with Nawada Cyber P.S. Case No. 53 of 2024 for the offence under Sections 303(2), 303(3), 318(2), 318(4), 319(2), 336(2), 336(3), 340(2) and 61(2) of the B.N.S. and Section 66, 66(B), 66(c), 66(D) of the I.T. Act lodged on 26.08.2024 by the informant, Raviranjan Mandol.

3. As per the prosecution story, the informant alleged that on information received of cyber crime being committed by the accused persons, raided the place. Though some accused managed to escape, others were apprehended and on their disclosure, the house of the petitioners were raided and besides the mobile phones, certain documents recovered/seized. This led to the FIR.

4. It is the case of the petitioners that their house was raided and their own mobile phone and documents were taken by Patna High Court CR. MISC. No.75670 of 2024(4) dt.17-02-2025 the police. Further, they do not have criminal antecedent, are in custody since 27.08.2024, charge-sheet submitted and if granted bail, they shall be appearing in trial diligently without fail. Further, without accepting the allegation and/or the outcome of the present petition, learned counsel for the petitioners submit that they intend to contribute Rs.15,000/- (each) to the Chief Minister's Relief Fund. The last submission is that one Shashikant Kumar @ Dabloo Kumar has been granted bail in Cr. Misc. No. 83264 of 2024.

5. Learned APPs jointly submit that they do not deserve bail as they were indulged in cyber crime and has also confessed to it.

6. Considering the submissions of the parties as also the period of custody, FIR lodged, they shall be facing the trial, an undertaking has been given that the petitioners shall be diligently appearing in trial, one of the co-accused, as stated above, has been granted bail, in that background, this Court is inclined to extend them the privilege of bail with conditions subject to payment of Rs. 15,000/-(each) to the Chief Minister's Relief Fund through Demand Draft and the receipt be submitted to the learned Trial Court.

7. Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-V, Nawada in connection with Nawada Cyber P.S. Case No. Patna High Court CR. MISC. No.75670 of 2024(4) dt.17-02-2025 53 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for one year to mark their attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J) Vijay Singh/-

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