



BRPA010070382026

IN THE COURT OF SESSIONS JUDGE, PATNA
Criminal Revision No. 298 of 2026

Tunna Kumar Singh @ Tunu Kumar, S/o Pramod Singh
R/o: Ward No.10, Village- Naulaha, Thana- Sangrampur,
P.O.- Bhatwaliya, District- East Champaran, Pin-845417
A/P:- Flat No. 204, Dwarka Complex, Phulwarisharif, Patna

..... **Petitioner**

Versus

1.The State of Bihar
2. Rupesh Kumar @ Kumar Rupesh,

..... **Opposite Parties**

Counsel for the Petitioner : Dr. Ajay Kumar, Advocate
Counsel for the State : Sri Rajesh Kumar, Public Prosecutor
Counsel for O.P. 2 :-Sri Rishav Raj, Advocate

ORDER

11.06.2026

Facts and Submissions

1. The present criminal revision has been preferred by the **petitioner, Tunna Kumar Singh @ Tunu Kumar**, who is the **accused in Cyber P.S. Case No. 1223 of 2025, assailing order dated 17.01.2026** passed by the learned Judicial Magistrate, 1st Class, Patna, whereby the learned Magistrate directed transfer of the 'hold amount' lying in the petitioner's account to the account of the victim/informant.
2. Heard the learned counsel appearing on behalf of the petitioner, learned counsel for the informant/OP-2 as well as the learned Public Prosecutor representing the State, and perused the documents annexed to the present criminal revision application as well trial court record.

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3. The prosecution case, in brief, is that the informant, Kumar Rupesh @ Rupesh Kumar, alleged that on 13.06.2024 three unauthorised withdrawals/transfers of Rs. 50,000/-, Rs. 20,000/- and Rs. 4,000/- respectively were made from his bank account without his knowledge. He stated that he received the transaction alert at about 11:30 P.M. and immediately lodged a complaint through the cyber helpline number 1930 at about 11:50 P.M. It is further stated that, on the basis of the complaint, an amount of Rs. 70,222/- was put on hold and he received subsequent intimation through SMS and e-mail.
4. The petitioner's case is that the cyber complaint is false and motivated. According to the petitioner, the informant had earlier committed theft of gold ornaments, cash and a mobile phone from the petitioner's house during his absence between 20.04.2024 and 22.04.2024, and a written information in that regard had already been submitted at Phulwarisharif police station. The petitioner asserts that, in the course of the dispute, a compromise was entered into on 05.06.2024, whereupon the informant agreed to make payment of Rs. 3,50,000/- to the petitioner. It is further the petitioner's case that on 13.06.2024 the informant transferred a total sum of Rs. 74,000/- to the petitioner's account, but later initiated the present cyber case alleging fraudulent withdrawal. The petitioner also contends that he had duly responded to notice and had submitted his affidavit and supporting documents before the Investigating Officer, yet the impugned report was filed without properly considering his claim.
5. It is further urged that the learned Magistrate passed the order directing release of the amount to the informant without affording the petitioner a meaningful opportunity of hearing, despite the amount being lying in the petitioner's bank account and despite his specific plea that the amount be released in his favour. The petitioner also submits that he is in financial distress and requires the amount for the treatment of his minor daughter.
6. *Per contra*, learned counsel for the State, assisted by learned counsel for the informant/OP 2, has opposed the submissions of the petitioner, contending that

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the impugned order suffers from no illegality and does not warrant interference.

Discussions

7. The principal question is whether the learned Magistrate was justified in directing transfer of the 'hold amount' to the informant at the stage of investigation. In matters relating to currency and seized money, the governing principle is that the Court must adopt a practical approach and should not allow the amount to remain idle indefinitely, especially where the material on record discloses a prima facie claim over the money. The decisions in **Nantu Krishna Bardhan v. The State of West Bengal**, MANU/WB/1792/2022 and **R. Badrinarayanan v. State**, MANU/TN/0798/2015, reiterate that the object of the Court is to secure the property by appropriate safeguards, not to keep it in prolonged custody merely because the trial is pending.
8. In **Nantu Krishna Bardhan**, the Court held that where the investigating materials prima facie indicate the source and ownership of the money, an order for release can be made with suitable safeguards, such as inventory, photographs, bond and direction to produce the amount when required. In **R. Badrinarayanan**, the Court applied the same principle to currency notes, observing that where the recovered money is admittedly linked to the complainant, interim custody may be granted subject to conditions so that the evidence is preserved and the trial is not prejudiced.
9. Measured on that standard, the petitioner's challenge does not merit acceptance. The impugned order rests on the materials collected during investigation, including the cyber complaint, the transaction trail and the report placed before the Magistrate. At this stage, the Court is not required to conclusively determine ownership or finally adjudicate the disputed narrative advanced by the petitioner. The petitioner's plea based on an alleged prior compromise and the separate theft allegation may be relevant to his defence, but those assertions do not displace the prima facie basis on which the learned Magistrate has proceeded.

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10. It is also significant that the amount was directed to be released on the footing that it represented the informant's disputed funds placed on hold in cyber proceedings. The learned Magistrate has exercised discretion in a manner consistent with the object of the governing precedents. No procedural or jurisdictional error of a kind warranting reversal has been shown.

Conclusion

11. For the reasons aforesaid, the criminal revision fails. The impugned order dated 17.01.2026 passed by the learned Judicial Magistrate, 1st Class, Patna, is affirmed. Criminal Revision No. 298 of 2026 is **dismissed**.

(Dictated)

Sd/-

(Rupesh Deo)
Sessions Judge, Patna.

Date of Order	11.06.2026
Date of Reserving Order	10.06.2026
Uploading Date	11.06.2026
Uploaded by	Vinod/-