

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.54592 of 2016

Arising Out of PS.Case No. -106 Year- 2015 Thana -HATHUA District- GOPALGANJ

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Rahul Kumar Jha S/o harish Chandra Jha Resident of Village-Kusaul, P.S.-
Madhepur, District-Madhubani At Present-resident of Mohalla-Surya Bihar,
Part No.-3, Gali No. 10 Palla Police Chauki, P.S.-Sarai Khawaja, District-
Faridabad (Haryana) Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Shankar Kumar Thakur

For the Opposite Party/s : Mr. Sri Gopesh Kumar

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

5 09-02-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Hathua P.S. Case
No. 106 of 2015 registered for the offences punishable under Sections
420, 379 of the Indian Penal Code and Section 66 (c) of the
Information and Technology Act.

Allegedly, on verification the informant, a retired teacher,
found that from his account through IRCTC his money has been
withdrawn worth Rs. 11 lakhs from 30.04.2015 to 22.06.2015,
accordingly, the case was registered against unknown. During
investigation the name of the petitioner transpired and he confessed his
guilt also and further it was found that the mobile number of the
petitioner is 9560482757 and he used to transact the money online
which is evident from perusal of SMS Detail and SMS of IRCTC.

Submission is of false implication and that there is no material



to show that from the account of the informant any transaction was made by the petitioner, the petitioner was running a cyber café at Buddha Marg, Mandawali, Delhi and he has been implicated falsely and mobile number of the petitioner has not been used in withdrawing the money and without any basis the petitioner is suffering in custody since 10.09.2016 and as such he deserves sympathetic consideration as chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence.

Learned APP duly assisted by learned counsel for the informant opposes the prayer of bail by submitting that the petitioner has confessed his guilt and further from his mobile the money was transacted online and perusal of SMS Detail and SMS of IRCTC reveal that the petitioner has booked and online transaction was taken from the account of the informant.

In the facts and circumstances stated above, considering the allegation attributed against the petitioner serious in nature, this Court is not inclined to enlarge the petitioner on bail, accordingly, his such prayer stands rejected.

(Jitendra Mohan Sharma, J)

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