

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56621 of 2018

Arising Out of PS. Case No.-41 Year-2014 Thana- RAHIKA District- Madhubani

Vikash Kumar Agarwal S/o Pawan Kumar Agarwal proprietor M/s Om Traders, R/o Belair Apartment Block I, 5B, Jokhram Durgadutt Lane, Main Road, Near Mahavir Tower, Ranchi, Jharkhand.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilesh Kumar

For the Opposite Party/s : Mr. Sri Binod Kumar 2

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 04-10-2018 This case has been listed under the heading 'To Be Mentioned' at the instance of petitioner for modifying the order dated 13.09.2018 and for extending the date of surrender of the petitioner before the court below.

It has been submitted that there are some factual error which has crept in order dated 13.09.2018 which requires modification.

The prosecution case as per complaint petition is that one Krishna Prasad Gupta filed a complaint petition before the learned Chief Judicial Magistrate, Madhubani, stating therein that he is owner of Jai Ma Vaishnavi Enterprises, Kapileshwar Rahika, Madhubani and TIN No. 10416055087 was allocated for retail business of fertilizer and the password was sent to his



e-mail address and he has submitted quarterly sales tax return as zero. Accused persons have broken the TIN No. and VAT ID No. and hacked the password and changed the mobile number and used to black market, coal although he has not done any business outside Bihar and no transaction regarding coal was done by him.

On basis of said complaint court directed to register present FIR being Rahika P.S. Case No. 41 of 2014 dated 31.03.2014 for the offences under Sections 420, 467, 468, 472, 120B of IPC and Cyber Crime Act.

It has been submitted on behalf of petitioner that allegations are fabricated and concocted and no specific act has been alleged against petitioner in the commission of said crime. The name of petitioner is only under the heading of the accused persons. There is no allegation against petitioner of hacking user name and password of the complainant.

Considering the facts and circumstances of the case, prayer of Anticipatory bail is allowed and petitioner named above in the event of arrest or surrender before the court below within eight weeks from today, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of



learned A.C.J.M. 1st, Madhubani, in connection with Rahika P.S. Case No. 41 of 2014, subject to condition as laid down under Section 438(2) of Code of Criminal Procedure and with further condition:-

(i) Bailor should be local having sufficient immovable properties within the jurisdiction of concerned court.

(ii) Petitioner shall appear before the trial court on each and every date fixed by trial court and his absence on consecutive two dates without any valid and plausible reason, the trial court shall be at liberty to cancel the bail bond.

(iii) Petitioner shall not tamper the evidence and if he is found of indulging in tampering of evidence, the prosecution shall be at liberty to move for cancellation of his bail bond.

(S. Kumar, J)

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