

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58859 of 2019

Arising Out of PS. Case No.-336 Year-2019 Thana- KOTWALI District- Patna

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Dheeraj Kumar @ Aryan Kumar Son of Raj Kishore Prasad Resident of
Village - Vishnupuri, House of Karu Ram, P.S.- Gardanibagh, dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nilesh Kumar, Adv.

For the Opposite Party/s : Mr. J.N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 28-05-2020 The matter has been taken up through virtual court proceeding.

The present application has been filed for grant of bail in a case registered for the offences punishable under Sections 417, 418, 419, 420, 465, 466, 467, 468, 469, 470, 471 and 120B of the IPC and Sections 65, 66, 66(c) and 66(d) of the Information Technology Act, 2000.

The prosecution case is that the Registry of the Patna High Court was informed by a Sr. Programmer that during security cheque, it was found that a fake website of the Patna High Court has been created, which appears to be replica of the



real website of the Patna High Court. On the fake website, result with regard to appointment of peon in the Patna High Court was published. The FIR was lodged against unknown persons, but subsequently, during investigation, name of the petitioner sprang up when he also made confession that fake website was created by him to dupe people.

Learned counsel for the petitioner submits that the name of the petitioner sprang up on the statement of co-accused person and there is no recovery from the conscious physical possession of the petitioner. A statement has been made in paragraph no.3 of the petitioner that the petitioner is not having any criminal antecedent. Moreover, for the same alleged occurrence, one other case, being Kotwali P.S. Case No. 101 of 2019 has also been lodged, in which, the petitioner has been made accused and has been granted bail by a co-ordinate bench of this Court vide order dated 04.03.2020 passed in Cr. Misc. No. 67454 of 2019. It is further submitted that the petitioner is languishing in custody since 16.05.2019 and the investigation has already been concluded.

Learned counsel for the state submits that the petitioner and other co-accused persons tried to cheat the people by creating a fake website of the Patna High Court.



Considering the fact that investigation has already been concluded and in other case lodged for the alleged same occurrence, the petitioner has been granted bail, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned CJM, Patna in connection with Kotwali P.S. Case No. 336 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties including one surety given at the time of provisional bail of the like amount each to the satisfaction learned CJM, Patna in connection with Kotwali P.S. Case No. 336 of 2019.

The learned Court below will be at liberty to further extend the period of provisional bail if the lockdown is not over in next three months.



However, if the default for three consecutive occasions during trial, the learned court below will be at liberty to cancel the bail bonds of the petitioner.

(Dinesh Kumar Singh, J)

Amrendra/-

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