IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39835 of 2022

Arising Out of PS. Case No.-103 Year-2022 Thana- SHASTRINAGAR District- Patna

==

Anjali Sharma Daughter Of Rajendra Sharma @ Rajendra Mistry Wife Of Manish Kr., Resident Of Village - Danapur Anand Dhibara, P.S.- Sahpur, District - Patna At Present House Of Ajay Yadav Rajiv Nagar, Patna, P.S.- Rajiv Nagar, District - Patna.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

==

Appearance :

For the Petitioner/s : Mr. Dwivedy Surendra, Advocate

For the Opposite Party/s : Mr. Anant Kumar 1, APP

==

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 23-11-2022 Let the defect, if any, be removed within two weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Shastri Nagar P.S. Case No. 103 of 2022 lodged under Sections 417, 418, 419, 420, 467, 468 and 120B of the I.P.C. and Section 66 (c) and 66(D) of I.T. Act.

As per prosecution, the husband of the informant had purchased a mobile from the shop of accused Krishna Kumar namely, Maa Durga Enterprises. Prior to purchase of the mobile, Aadhaar Card and Pan Card from informant was demanded by him. In the month of December, 2021, the Assistant Manager of

Indus Ind Bank, Rajendra Nagar Branch has visited to the house of informant and informed that from her account bearing specific account number Rs.9,80,540/- has been debited. Informant submits that when she appeared before the bank, the Assistant Manager could not identify her. It has been alleged that some other girl inducing herself as Neha Kumari had opened the account using her Aadhaar and pan Card has committed such offence, instead of her photograph the accused had sticked her own photograph and committed such wrong. Thereafter the police started investigation and the forged Neha Kumari was arrested who disclosed her name as Anjali Sharma (the petitioner). It has been stated in the F.I.R. itself that in the said fraud the Manager of Indus Ind Bank, Assistant Manager of the Bank, Krishna Kumar and Anjali Sharma were made accused.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. Counsel further submits that the informant admits that her marriage was solemnized on 26th June, 2021 but the mobile was purchased in November, 2019 itself by her husband, is basically a strong discrepancy in her statement. Counsel further submits that the petitioner was staff in a mobile shop namely, Shakila

Enterprises and she is not involved in any wrong, under conspiracy her name has been figured in this case.

Learned counsel submits that petitioner is in custody since 01.03.2022 and charge sheet has already been filed in this case. On the point of criminal antecedent, counsel submits that there is one another case relating to same transaction was filed in the Jorhat Police Station in which her name is also inserted by the police, except this her antecedent is clean.

Learned counsel submits that the petitioner is female and she is ready to fulfill all the conditions whatsoever shall be imposed upon her.

Learned counsel for the State opposes the prayer for bail and submits that the petitioner is not innocent. In the case diary, it has transpired that she was admittedly the staff of Shakila Enterprises and on the instruction of the owner of the Shakila Enterprises, she has given her photograph in which account was opened by the owner of the Shakila Enterprises and when Branch Manager has come it has been suggested by the owner of the shop to her staff (the present petitioner) that when Manager will come, she introduce herself as Neha, which she has done. Counsel for the State also submits that from the record, it also transpires that from the said account the money was taken by the owner of the said mobile shop Shakila Enterprises because the present petitioner was under subordination of the Shakila Enterprises and she was merely monthly staff. Learned counsel for the State fairly submits that the master mind behind this fraud is the owner of the Shakila Enterprises and his friend who is the owner of Durga Enterprises who has provided the Aadhaar Card and Pan Card of the informant to the owner of Shakila Enterprises and under coercion of Shakila Enterprises, the present petitioner has done so and as such from the case diary it transpires that she has played the role of intermediary in the cyber crime.

In the present facts and circumstances of this case, I am of the view that the present petitioner worked as intermediary in the said offence, therefore, she is directed to be released on bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IV, Patna in connection with Shastri Nagar P.S. Case No. 103 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of her bail bond.

B. One of the bailors shall be close relative who shall file an affidavit before the court about his relationship with the petitioner.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

ravishankar/-

U		T	