

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26340 of 2023

Arising Out of PS. Case No.-596 Year-2021 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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RAJESH KUMAR S/O SHIVCHANDRA SHARMA Resident of Village-
Lahladpur, P.S.- Patepur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs.Rina Sinha, Advocate

For the Opposite Party/s : Mr.Arun Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 04-09-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
16.11.2021 in connection with Muzaffarpur Town P.S.Case
No.596 of 2021, F.I.R.dated 10.08.2021 registered for the
offence under Sections 420,379,467,468,471,120B of the
Indian Penal Code.

3. The factual matrix of this case is that the informant,
namely, Mina Kumari retired Professor, submitted a
written/typed report to the officer-in-charge Cyber Crime
Department, Bihar and Town P.S., Muzaffarpur against
unknown offender including the officials of telephone
department and the concerned Bank (in which the informant has



savings bank account bearing no. 033400000045635), the Punjab National Bank, Jawaharlal Road, Muzaffarpur regarding online fraud committed against her savings account whereby huge amount of her savings to the tune of Rs. 1 crore 7 lakh and 75 thousands was fraudulently withdrawn through RTGS mode in between 10.06.2021 to 15.06.2021. It has also been alleged that the informant came to know about online fraud when she went to P.N.B. Khabra Road branch for withdrawal of money on 09.08.2021, where she was reported about insufficient fund in her account. Further she was asked to contact her parent branch at Jawaharlal Road. She accordingly contacted the parent branch and got her passbook updated and then came to know about the fraud and thereafter lodged FIR.

4. Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. Petitioner is not named in the FIR. The name of the petitioner has been transpired during investigation on the basis of the confessional statement of co-accused persons, namely, Jafar Iqbal and Manjay Kumar Singh. Further submits that except the confessional statement of co-accused persons, no other material has come during investigation against the petitioner to suggest the involvement of the petitioner in the



present occurrence and the petitioner was arrested in Muzaffarpur Town P.S.Case No.487 of 2021 then remanded in this case on 16.11.2021.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries six more cases other than the present one but fairly submits that out of six cases, the petitioner is on bail in five cases and rest one case is pending for consideration, as mentioned in para-2 of the supplementary affidavit.

6. Considering the aforesaid facts and period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M.,Muzaffarpur in connection with Muzaffarpur Town P.S.Case No.596 of 2021, with the following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the



witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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