

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.23730 of 2023**

Arising Out of PS. Case No.-389 Year-2018 Thana- BANKA District- Banka

PRAKASH CHOUDHARY Son of Bishulal Choudhary Resident of Village -  
Chhoti Mirjapur, Bindwara Road, P.S.- Kashim Bazar, District - Munger, Pin -  
811201.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Rakesh Kumar, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2      24-06-2023                      Heard   the   learned   counsel   for   the  
petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Banka P.S. Case No. 389 of 2018, registered for the offences punishable under Sections 420 and 379 of the Indian Penal Code.

The allegation is regarding some unknown person having transferred a sum of Rs. 80,000/- from the account of the informant to the account of the petitioner, maintained at the State Bank of India, Banka Branch and immediately thereafter a sum of Rs. 68,000/- was withdrawn from an A.T.M. situated at Kadamkuan, Patna.

The learned counsel for the petitioner has



submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that the petitioner is a retired employee of the Indian Railways and an old person aged about 70 years. It is also submitted that the petitioner himself is a victim of cyber crime and it appears that unknown miscreants have engaged in cyber crime and hatched a conspiracy, whereupon they had transferred a sum of Rs. 80,000/- in the account of the petitioner and thereafter, had withdrawn a sum of Rs. 68,000/- from an A.T.M. situated in another district.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact



that *prima facie* the present case appears to be a case of cyber crime committed by unknown miscreants apart from the fact that the petitioner is an old person aged about 70 years, I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail.

Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, C.J.M., Banka in connection with Banka P.S. Case No. 389 of 2018, subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

**(Mohit Kumar Shah, J)**

S.Sb/-

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