

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33393 of 2023

Arising Out of PS. Case No.-440 Year-2021 Thana- WAJIRGANJ District- Gaya

Uttam Kumar Son of Nand Kishore Prasad R/o Village - Guriya Math,
Mithapur, P.S.- Mithapur, Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 21-07-2023 Heard learned counsel for the petitioner and Mr. Arun
Kumar Singh, learned APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Wazirganj P.S. Case No. 440 of 2021 registered for the offences punishable under Sections 467, 468, 471, 406, 420, 120B, 34 of the Indian Penal Code and Section 66 of the Information Technology Act. He has got no criminal antecedent.

3. Learned counsel for the petitioner submits that the police arrested the brother-in-law of the petitioner with ATM cards and other articles. It is submitted that in course of investigation, it was not revealed that the main accused Chandan Kumar who is the brother-in-law of the petitioner was transferring money in the account of this petitioner on regular intervals, however, it is the submission of learned counsel for



the petitioner that being brother-in-law he was entering into such transaction in normal course of family life.

4. It is submitted that the co-accused Rina Kumari and Sarita Devi who were also family members have been granted privilege of pre-arrest bail by learned Additional Sessions Judge-X, Gaya in A.B.P. No. 79 of 2022.

5. Learned APP for the State has opposed the prayer for pre-arrest bail of the petitioner. It is submitted that on perusal of the order of the learned Additional Sessions Judge-X, Gaya, it will appear that on the same day, when she was considering the anticipatory bail application of Rina Kumari and Sarita Devi, the prayer for anticipatory bail of this petitioner was also considered but the prayer for anticipatory bail of this petitioner was rejected.

6. Learned APP shows that the case of Rina Kumari and Sarita Devi were allowed on a different consideration that in the account of Sarita Devi, merely 2-3 times transactions had taken place that too of very small amounts and same was the position in case of Rina Kumari also and Rina Kumari was also carrying pregnancy. It is submitted that so far as this petitioner is concerned, learned court below has recorded that this petitioner has made most of the transactions in his account.



7. Having regard to the facts and circumstances of the case, considering that it is a case of cyber crime and the petitioner has entered into several transactions with the main accused Chandan Kumar on regular intervals, in the nature of the materials present in this case against the petitioner, this Court is not inclined to grant privilege of anticipatory bail to the petitioner.

8. The prayer for anticipatory bail of the petitioner is, thus, refused.

9. In case the petitioner surrenders and prays for regular bail in the learned court below within a period of four weeks from today, his prayer for regular bail shall be considered on its own merit without being prejudice with the order of this Court.

10. This application stands disposed of.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

U		T	
---	--	---	--

