

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34406 of 2023

Arising Out of PS. Case No.-672 Year-2022 Thana- LAHERIMUHALLA District- Nalanda

KANHAIYA KUMAR S/O ABHAY SINGH @ ABHAY KUMAR R/O
Village- Chhatihar, P.S.-Hisua, District-Nawadah

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

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

The petitioner is an accused in connection with Laheri P.S. Case No. 672 of 2022 registered for the offences under sections 420 and 379 of the Indian Penal Code, section 66(C)(D) of the I.T. Act and subsequently under sections 467, 468, 411 and 120(B)/34 of the Indian Penal Code lodged on 23.12.2022 by the informant, Raj Kumar Prasad.

The prosecution case, in brief, is that the informant Raj Kumar Prasad submitted a written report before Police alleging interalia therein that on 22.12.2022 at about 10 A.M. while he was trying to withdraw the amount from S.B.I. ATM and inserted the ATM Card in Machine then he could not successfully do transaction, then he made call on Helpline No.



8434261774 which was pasted on wall of in front of ATM Machine, upon which he was advised to try again at least three times putting your PIN Number and accordingly, he did despite that his ATM Card did not come out. It is further alleged that after sometime he received call from Mobile No. +911412822417 informing that through Paus Machine altogether Rs. 1,50,000/- (Rs. One Lakhs Fifty Thousand) has been withdrawn from his account in three equal transaction, upon which he rushed into ATM Machine room and found Help Line Number disappeared then he felt that he has been deceived by Cyber Crime doers and then made complaint on Toll Free Number of Bank, who assured that within 10 days issue will be resolved as such after examining CCTV footage and proper legal action may be taken. Accordingly, the FIR.

It has been contended by the learned Counsel for the petitioner that his name has come in the confessional statement of Sonu Kumar and on his confession itself, two FIR's were lodged against him. Prior to that he do not have criminal antecedent. It is his further submission that said Sonu Kumar has already been granted bail by the Sub-ordinate Court.

Learned APP for the State, on the other hand, opposes the prayer for bail.



Taking into account the aforesaid facts that Sonu Kumar on whose confession, petitioner was named in the case has since been granted bail, is in custody since 24.03.2023 (paragraph 14 of the bail application), this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bihar Sharif, Nalanda in connection with Laheri P.S. Case No. 672 of 2022, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for



cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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