IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33369 of 2022

Arising Out of PS. Case No.-128 Year-2022 Thana- GANDHIMAIDAN District- Patna

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Rajendra Prasad Son Of Late Paras Prasad Resident At Near Jama Masjid, Bari Khagaul, P.S.- Khagaul, District- Patna.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 49250 of 2022

Arising Out of PS. Case No.-128 Year-2022 Thana- GANDHIMAIDAN District- Patna

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Gama Chaudhary, S/o Late Chandeshwar Chaudhary Resident of Village-Bagohi Rtanpur, P.S.- Bairiya, District- West Champaran.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 33369 of 2022)

For the Petitioner/s : Mr. Kamod Kumar Vidyarthi

For the Opposite Party/s : Mr. Upendra Kumar

(In CRIMINAL MISCELLANEOUS No. 49250 of 2022)

For the Petitioner/s : Mr. Zainul Abedin

For the Opposite Party/s : Ms. Nirmala Kumari

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

5 16-02-2023 Heard Ld. counsel for the petitioners and Ld. APP for the State.

The petitioners seek bail in connection with Gandhi Maidan P. S. Case No. 128 of 2022, registered for the offences punishable under Sections 379, 419, 420 and 34 of the Indian Penal Code.

The prosecution case as emerges from the FIR is that the informant, who is a Manager of Indian Overseas Bank, Exhibition Road Patna, has alleged that Magadh Iron Private Limited is an important customer of the Bank and the bank has cordial relationship with the firm. It is further alleged that on 17.03.2022, the Bank received a request through e-mail on the letter-head of the company, duly signed by its Director, Sanju Kumar, to transfer an amount of Rs. 8,55,916/- in the account of one Ashu Pratap Pandey and Rs. 912756/- in the account of one Gama Choudhary. It is further alleged that the said amount was transferred by the Bank in the accounts of the aforesaid two persons, but when the Bank asked for the concerned cheque of the said amount from the company, it has been informed that no such direction was given. On verification by the Bank, it found that fraud has been committed by someone and only Rs. 3,55,916/- was exiting in the account of Ashu Pratap Pandey. Thereafter, the account was frozen with immediate effect.

Ld. counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. The Ld. counsel for the petitioner/Rajendra Prasad submits that the petitioner is not named in the F.I.R. and his name transpired during the course of investigation. He further submits that from the F.I.R. itself, it appears that there is no allegation of transfer of any amount in the bank account of the petitioner.

The Ld. counsel for the petitioner/Gama Chaudhary submits that the petitioner is not aware of transfer of the money in his account. He further submits that someone has opened a fake account in his name. He also submits that the amount allegedly transferred from his account, which was earlier credited by the Bank, has already been deposited in his account by his brother.

He further submits that the petitioners have been languishing in jail since 26.03.2022 and 15.03.2022, respectively.

It has also been stated in paragraph no. 3 of the bail petition that the petitioners have no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioners for bail submitting that this is a case of cyber crime involving fraud and illegal transfer of money from the accounts of customers to the account of someone else and as such the nature of the alleged offence is very serious, it has serious repercussions on Banking service as well as the financial security of customers and also there is sufficient material available in the case-diary to show the involvement of the petitioners in the alleged crime.

Considering the aforesaid facts and circumstances, I am not persuaded to enlarge the petitioners on bail at this stage.

However, the trial court is directed to concluded the trial within six months, failing which the petitioners have liberty to renew their prayer for bail.

Ld. counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

skm/-

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