

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63748 of 2023

Arising Out of PS. Case No.-9 Year-2023 Thana- ECONOMIC OFFENCES, BIHAR
District- Patna

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Himanshu Raj Son Of Ram Naresh Mitra @ Ramnaresh Mishr Resident Of
Khedarpur, Daudnagar, Ps And Dist- Vaishali

... .. Petitioner/s

Versus

The State Of Bihar Through S.P., Eou, Patna Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr.Ravi Bhardwaj
For the Opposite Party/s :	Mr.Vishwanath Pd. Sinha
	Mr. Vijay Anand

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 03-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2.The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 379, 420, 467, 120B of the Indian Penal Code and Sections 66, 66(c) and 66(D) of the I.T. Act.

3. Allegation against the co-accused persons along with this petitioner is that they committed fraud by way of cyber crime and withdraw the cyber fraud money from different bank account of the customers. It is further alleged that during the course of search at different places, huge quantity of ornament, computer sets, mobile etc. have been recovered from their possession.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case merely on suspicion. It is further submitted that during investigation, it was found that one co-accused, namely, Rahul Kumar who was the main culprit of the alleged cyber crime, who induced the innocent person made a member of his cyber crime gang. Nothing has been recovered from the conscious possession of the petitioner and also his name came into light in this case on the basis of his self confessional statement under duress and coercion which has got no evidentiary value in the eye of law. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Similarly situated other co-accused person has already been granted bail by this Court vide order dated 10.10.2023 in Cr. Misc. No. 63704 of 2023. Moreover, the petitioner is languishing in judicial custody since 17.05.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be



released on bail in connection with EOU P.S. Case No. 09 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-I, Patna.

(Sunil Kumar Panwar, J)

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