

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63592 of 2023

Arising Out of PS. Case No.-264 Year-2022 Thana- GORAUL District- Vaishali

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Suman Shah @ Sumit Kumar Son Of Debnand Sah @ Dewanand Sah @
Dabanand Sah Resident Of Village- Mahammadpur, Ps- Kadwa Kunhari,
Distt- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar Jha, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 06-12-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Goraul (Kathara O.P.) P.S. Case No.264 of 2022, lodged on
02.07.2022, under Sections 379/420 of the Indian Penal Code
and under Section 66(c) of the Information Technology Act.

3. As per the prosecution, FIR has been lodged by the
informant against the holder of bank account number of Janna
Small Finance Bank. It has been informed that the informant is
the operator of the payment app and by hacking his website
Rs.1,10,000/- has been transferred from the informant's website
to the account of the petitioner running Janna Small Finance
Bank.



4. Learned counsel for the petitioner submits that the petitioner is completely innocent and has committed no offence. Counsel submits that it is true that he is holder of the account of Janna Small Finance Bank and he is not in a position to explain to this Court that how the said amount has come in the account but simultaneously he submits that he is completely innocent otherwise being wrong doer he does not definitely transfer money in his account and secondly if he is involved then definitely he immediately takes money from his account and both are looking here. Counsel further submits that he is in custody since 14.03.2023 have no criminal antecedent. Counsel submits that charge has already been framed in this case.

5. Learned counsel for the State opposes the prayer for bail.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner, above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur, in connection with Goraul (Kathara O.P.) P.S. Case No.264 of 2022, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with



other 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 bonds by the Trial Court itself;

(iii) The petitioner shall appear before the concerned police station every month for 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 evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(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.

(Dr. Anshuman, J)

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