

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5236 of 2024

Arising Out of PS. Case No.-19 Year-2023 Thana- Cyber P.S. District- Aurangabad

Taj Khan @ Tajuddin Khan Son of Farukh Khan Resident of Village- Rupin,
Ps- Fatehpur, Distt- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Rupa Kumari, Adv.

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 09-04-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Cyber
P.S. Case No. 19 of 2023 instituted for the offences under
Sections 420/379 of the Indian Penal Code and Section 66(C)
of the I.T. Act.

3. The accusation against the petitioner is of
fraudulently withdrawing total amount of Rs. 1,89,998/- of the
Informant by tampering the A.T.M. Machine.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case
only on the basis of suspicion. He submits that the alleged



mobile no. 7485030799 does not belong to the petitioner. He further submits that at the time of occurrence, the petitioner was neither present at the ATM Centre nor ever advised the Informant in any manner. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since 27.10.2023.

5. Learned counsel for the petitioner has filed supplementary affidavit stating therein that both the parties have amicably settled the matter outside the Court and the parties have also filed joint compromise petition. He has also annexed the deposition of P.W.1/Informant wherein he has stated in his cross-examination that he cannot say who has withdrawn his money and he has not seen any person who was withdrawing the money.

6. On the other hand, the learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the allegation made against the petitioner is serious in nature and, thus, the petitioner does not deserve bail.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also



taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent and the fact that the Informant in his cross-examination has not supported the prosecution case, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Cyber P.S. Case No. 19 of 2023, subject to following conditions;

(i) One of the bailors shall be own/close member of the family of the petitioner.

(ii) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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