

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8215 of 2024

Arising Out of PS. Case No.-20 Year-2023 Thana- Cyber P.S. District- East Champaran

1. Deepak Kumar Jaiswal S/o Nand Kishor Jaiswal R/o Vill - Durgipatti, P.S. - Khutauna, Dist. - Madhubani
2. Sunny Kumar @ Sunny Kumar Jaiswal S/o Nand Kishor Jaiswal R/o Vill - Durgipatti, P.S. - Khutauna, Dist. - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 09-04-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek regular bail in connection with Motihari Cyber P.S. Case No. 20/2023 lodged on 26.11.2023 under Sections 420, 467, 468, 471 of the Indian Penal Code and Section 65, 66-C, 66-D of the I.T. Act.

3. As per the prosecution case, petitioner No.1 has tried to transfer of Rs.91,32,634/- in the bank account of the present petitioner by virtue of Payment Advice which was stopped by the active participation of the bank. Similarly, the amount of Rs. 75,12,865/- was also attempted to be transferred to the bank account of petitioner no. 2 but it was also stopped.



4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. There is no role of the petitioners in the commission of the said crime rather it is co-accused Ashish Kumar, Compute Operator, Raxaul Nagar Parishad who tried to transfer the said money of Nagar Parishad in their bank accounts. The petitioners are victims of this case. **The petitioners are in custody since 02.12.2023 having no criminal antecedent.**

5. Learned counsel for the State opposes the prayer for bail and submits that without the active consent of the petitioners, the money could not be attempted to be transferred in the bank account as for transferring of money in any bank account, the details of the accounts holders, like account number, IFSC Code, branch name etc. are required and it is not possible without providing those things from the accused persons.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioners above named, be released on bail, **but only after two months of the framing of charge, if not framed**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned CJM,



Motihari, 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 petitioners who shall provide official document to show his *bona fide*;

(ii) the petitioners 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 petitioners shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioners 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 petitioners 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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