

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10205 of 2024

Arising Out of PS. Case No.-43 Year-2023 Thana- Cyber P.S. District- Samastipur

Rajeev Kumar SON OF BHOLA DAS RESIDENT OF VILLAGE-
DIGHARA, PS- PUISAD, DISTT- SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prem Prakash Poddar, Advocate

For the Opposite Party/s : Mr. Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-02-2024

Heard the parties.

2. The petitioner is apprehending his arrest in connection with Cyber (Samastipur) P.S. Case No. 43 of 2023 for the offence under Sections 406, 420 and 419 of the I.P.C. and Sections 66(C)/66(D) of the I.T. Act, 2000, lodged on 16.10.2023, by the informant, Sanjay Kumar Das.

3. As per the prosecution story, the informant alleged that he was dealing with the cloth business when this petitioner and one Budhan Lal came to his shop and after offering him that if he pays Rs. 6,00,000/- will be getting Rs. 60,000/- till his death. Assured of that amount, he paid Rs. 6,80,000/- but thereafter they switched off their mobiles and feeling cheated, the present FIR.

4. Learned counsel for the petitioner submits that no



such payment was ever made to him and contrary to it, he had given Rs. 10,00,000/- for business purpose but to keep the money, the present case has been filed.

5. He however, submits that since an allegation has come, without accepting the allegation/outcome of the present case, he would like to pay Rs. 3,40,000/- out of Rs. 6,80,000/- (there being another accused, Budhan Lal) in the following manner:

(i). Rs. 1,40,000/- at the time of execution of the bail bond;

(ii). Rs. 50,000/- each for next four months beginning April, 2024 and ending July, 2024 within 1st to 10th of that month;

(iii). failure to do so, his bail bond be cancelled.

6. Learned APP opposes the prayer submitting that these kind of people rob the poor people of their hard earned money.

7. Though this Court finds force in the submissions of learned APP, in view of the fact that an FIR is there, he will be facing the trial, he do not have criminal antecedent, is ready to pay half of the amount (Rs. 3,40,000/-), in the manner already stated above, this Court is inclined to extend him the privilege



of anticipatory bail with conditions.

8. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Magistrate, 1st Class, Samastipur in connection with Cyber (Samastipur) P.S. Case No. 43 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) he shall pay Rs. 1,40,000/- through demand draft in favour of informant at the time of execution of bail bond.

(ii) Rs. 50,000/- through demand draft in favour of the informant for next four months beginning April, 2024 and ending July, 2024 within 1st to 10th of that month;

(iii) in case of default of payment, the prosecution shall take steps for cancellation of bail bonds;

(iv) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(v) 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 bond by the Trial Court itself;

(vi) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(vii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(viii) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

9. With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

Adnan/-

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