

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 14985 of 2024

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

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Ashish Kumar S/O- Shankar Prasad R/O- Ward No.- 21, Ramjanki Mandir
Road, Raxaul, P.S.- Raxaul, Dist.- East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rudrank Shivam Singh, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 16-04-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Motihari Cyber P.S. Case No. 20 of 2023, F.I.R. dated 26.11.2023, registered for the offences punishable under Sections 420, 467, 468 and 471 of the Indian Penal Code read with Sections 65, 66-C and 66-D of the I.T. Act.

3. As per the prosecution case, the petitioner being a Government servant tried to misappropriate the Government money in connivance with other co-accused persons and tried to change the PFMS Code.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been

implicated in the present case. The allegation levelled in the F.I.R. is false and fabricated and the petitioner has not committed any offence, as alleged in the F.I.R. In fact, the petitioner is a Computer Operator at Nagar Parishad, Raxaul and as per the allegation in the F.I.R., the petitioner tried to withdraw the Government money to provide undue advantage to the co-accused persons, namely, Deepak Kumar Jaiswal and Sunny Kumar Jaiswal and one T.D. Enterprise through three payment advice as mentioned in Advice No. C112332559191 of Rs. 91,32,634/-, payment Advice No. C112332562491 of Rs. 95,83,528/- and payment Advice No. C112332566821 of Rs. 75,12,865/-. He further submits that the petitioner was not authorized to change the PFMS Code and except the confessional statement of the co-accused persons, no other material has come during investigation which suggests the involvement of the petitioner being a Government servant tried to misappropriate the Government money in connivance with other co-accused persons in the present occurrence.

5. Learned A.P.P. for the State on the other hand on the basis of the material available on record and the case diary has vehemently opposed the prayer for bail of the petitioner and

submits that the petitioner being a Government servant tried to misappropriate the Government money in connivance with other co-accused persons and it has come during investigation that the petitioner had tried to change the PFMS Code and although he was not authorized to do so. Apart from that the co-accused persons have confessed that the petitioner was involved in the present crime.

6. Considering the aforesaid facts and circumstances and the fact that there is direct allegation against the petitioner, I am not inclined to grant the privilege of anticipatory bail to the petitioner in connection with Motihari Cyber P.S. Case No. 20 of 2023 pending in the Court of learned Sessions Judge, East Champaran, Motihari.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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