

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17297 of 2024

Arising Out of PS. Case No.-34 Year-2023 Thana- Cyber P.S. District- Muzaffarpur

Faizan Ali S/O Md. Aslam Ali R/O Khizersarai, P.S- Khizersarai, Distt.-
Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priyesh Kumar Jaiswal, Advocate

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 14-03-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Cyber (Muzaffarpur) P.S. Case No.34 of 2023, lodged on
23.12.2023, under Sections 420/406 of the Indian Penal Code
and under Section 66(c)(d) of I.T. Act.

3. As per the prosecution, FIR has been lodged against
one named and other associates of the said named accused.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
submits that his name has figured only on the confessional
statement of main accused. Counsel submits that nothing has
been recovered from his possession and no involvement of the
petitioner is there in the present case. The petitioner is in



custody since 24.12.2023 and is accused in one more criminal case, in which he is on bail.

5. Learned counsel for the State opposes the prayer for bail and submits that during investigation the involvement of the present petitioner has been figured by the police. It is a case of cyber crime and involvement is not like that of Indian Penal Code. Counsel submits that in the case-diary the modus operandi of the petitioner about commission of the crime has been fully described.

6. Upon the specific query of the Court that whether charges have been framed or not. Counsel for the petitioner submits that as per his knowledge charges have not been framed.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner, above named, be granted bail **only after framing of the charge, if not framed, and on being satisfied that petitioner is not absconding in Cyber (Bhopal) P.S. Case No.71 of 2023**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M. (West) Muzaffarpur, in connection with Cyber (Muzaffarpur) P.S. Case No.34 of 2023, 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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