IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34621 of 2024

Arising Out of PS. Case No.-12 Year-2024 Thana- Cyber P.S. District- Nalanda

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Ritik Raj, Son of Sarvesh Prasad @ Sarwesh Kumar, Resident of Village-Shivpuri Ram Chandrapur, P.S. - Laheri, District -Nalanda, Permanent Address -Village-Amar Singh Bigha, P.O. - Nerut, P.S. - Sare, District-Nalanda

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Satish Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Lalan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

3 26-07-2024 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail, who is in custody in connection with Nalanda Cyber P.S. Case No. 12 of 2024 registered for the offences punishable under Sections 409, 466, 467, 468, 419, 474, 477A and 120B of the Indian Penal Code and Sections 66, 66B and 66D of the I.T. Act, 2000.

3. The informant alleges that he had been working as a Branch Manager in Fino Payment Bank Limited for rendering the banking services in remote area. The Bank appointed business correspondents-merchant, who used to play business for operating the Bank. On 08.01.2024, this petitioner attached with the Bank as customer-merchant. On 31.01.2024, Cash-in-

Team of the Bank received various requests for withdrawal of Rs. 54,00,000/- through different customers-merchants. Out of which, in 23 transactions request were made by the petitioner from different location, due to which his requests were cancelled. On internal enquiry, the petitioner admitted that he has given his merchant ID and mobile number to different persons for business transaction unauthorizedly. The petitioner by using his merchant ID has also facilitated payment of an amount of Rs.1,96,000/- in favour of a beneficiary, namely, Gulshan Kumar.

4. Learned counsel for the petitioner contended that the Bank is neither a registered Bank under the Reserve Bank of India nor in this regard any document has been placed at the time of lodging of the FIR. Even as per the narratives made in the FIR, only allegation against the petitioner is that being an agent-merchant of the Bank, he unauthorisedly given his Merchant ID to different persons to improve the business of the Bank. There is no material that he has anyway withdrawn and facilitate payment to any beneficiary fraudulently. It is also contended that the amount of Rs. 1,96,000/- was credited in the account of Gulshan Kumar. The petitioner is neither beneficiary on account of illegal transaction nor there is any material

suggesting that he duped anyone. Even during the course of investigation, no incriminating material has been recovered from the person or possession of the petitioner. The petitioner has absolutely fair antecedent and now he is in custody since 02.02.2024.

5. On the other hand, learned counsel for the State opposed the bail application. However, referring to the case diary, learned counsel for the State submitted that the seizure list does not suggest that the petitioner is beneficiary of any amount, however, his fraudulent attempt to gain monetary advantage cannot be ruled out.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that no loss is caused to the Bank; the entire case is is based on documentary evidence; materials do not suggest that the petitioner is anyhow duped anyone or any amount has been transferred in his account, coupled with the fair antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bihar Sharif, Nalanda in connection with Nalanda Cyber P.S. Case No. 12 of 2024, subject to the condition that

one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and, in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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