

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35293 of 2024

Arising Out of PS. Case No.-1 Year-2023 Thana- Cyber P.S. District- Bhagalpur

Sailesh Mandal son of Deonarayan Mandal Village- Jahanpur Mandal Tola
W.No-1, Ps- Jokihat Dist- Araria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ritesh son of Bibash Kumar Village- Mahanpur Ps- Tarapur Dist- Munger
... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 18-09-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Bhagalpur (Cyber) P.S. Case No. 01 of 2023, registered on 21.06.2023 for the offences under Sections 379/420 of the Indian Penal Code and Sections 66(C)/66(D) of the I.T. Act.

3. As per prosecution case, the petitioner was engaged as a CSP operator by one of the distributors of the informant who used to take deposit and disburse the money on behalf of Yes bank. The allegation against the petitioner is that



he and other co-accused persons embezzled an amount of Rs.1,94,000/- (One Lakh Ninety Four Thousand) from the accounts of the customers taking advantage of their position.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. No offence as alleged is made out against the petitioner. From perusal of the FIR it is evident that no complaint has been lodged by any private person about embezzlement. From the FIR it is also clear that the 'Yes bank' has not suffered to any loss. Learned counsel, on instructions, further submitted that the petitioner is ready to return the embezzled amount in two equal installments subject to final outcome of the case.

5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that even the parents of the petitioner, whose statements have been recorded during investigation, have admitted that the petitioner has defalcated the amount of Rs.1,94,000/- (One Lakh Ninety Four Thousand).

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the offer of the petitioner, let the petitioner above named, in the event of his arrest or surrender before the court concerned



within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur/concerned court in connection with Bhagalpur (Cyber) P.S. Case No. 01 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

Further the petitioner will make payment of Rs.1,94,000/- in two equal monthly installments and first installment will be paid on or before 01.10.2024 and second installment on or before 01.11.2024 in terms of undertaking of the petitioner. The bail bonds of the petitioner will be provisionally accepted by the learned trial court on payment of first installment of the amount of Rs.1,94,000/- (One Lakh



Ninety Four Thousand) and will be confirmed after payment of
second installment.

(Arun Kumar Jha, J)

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