

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34651 of 2024

Arising Out of PS. Case No.-51 Year-2023 Thana- Cyber P.S. District- Darbhanga

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Ruksar Pravin Wife of Shatru Singh D/O Md. Idrish @ Idrees R/O Vill.-
Lahara, Fulwari Ward no. 2, P.S.- Kishanganj, Dist.- Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh, Adv.

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 26-07-2024 Heard Mr. Radha Mohan Singh, 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 Darbhanga Cyber P.S. Case No. 51 of 2023
registered for the offence punishable under Sections 379, 420,
506 and 34 of the Indian Penal Code and Section 66(D) of the
Information Technology Act, 2000.

3. Based upon the written report the prosecution
alleges that the informant received a mobile call on her mobile
no. 9773840094 and the caller introduced himself as Amanpreet
Singh. On pretext of sending some gifts to the informant from
U.K. several amount to the tune of several lakhs have been



procured from the informant. The aforesaid amount has been paid on different Google Pay account on different date. The FIR also narrates on different occasion, on pretext of different reasons demand of different amount has been made from the informant and by duping her the accused persons have withdrawn huge money. The informant also given seven mobile numbers and different google pay account through which she received calls from different persons and paid money.

4. Learned counsel for the petitioner referring to the FIR contended that out of seven mobile numbers the petitioner is said to be the holder of the one of the mobile number. It is not the case of the prosecution that any amount has been received by the petitioner either on her Google Pay or in her Bank Account. During the course of investigation, the petitioner was apprehended by the police and her statement was recorded by the Investigating Officer wherein she has confessed that she is a house wife and working as a maid in different houses for livelihood. The mobile phone in question bearing No. 6205212998 though recovered from her possession but the same was being used by her cousin namely, Danish @ Mister. Even if the allegation taken to be true, for the sake of argument, it is Danish @ Mister who used to call the informant and others



through the mobile of the petitioner and she was allegedly allured and assured that she will get certain amount of her share. The petitioner has neither having any Google Pay account nor there is any money transaction in her favor. The petitioner is a lady having fair antecedent and in custody since 16.12.2023.

5. On the other hand, learned Additional Public Prosecutor for the State after going through the case diary fairly contended that the allegation made in the FIR has not been corroborated during the course of investigation and the amount which is allegedly said to have been transferred has not actually been transferred to different Google Pay account. However, the mobile phone/number which is a subject matter of crime owns by the petitioner.

6. Regard being had to the submissions made on behalf of the parties and considering the submissions made on behalf of the parties and taking note of the fact that no money whatsoever has been transferred in the account of the petitioner or there is any Google Pay account in the name of the petitioner. It is not the case of the prosecution that it is the petitioner who has ever made any call to the informant coupled with the fact that now the investigation is complete and the charge-sheet has been submitted. The petitioner is a lady, incarcerated for over a



period of more than seven months, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Darbhanga in connection with Darbhanga Cyber P.S. Case No. 51 of 2023, 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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