

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42502 of 2024

Arising Out of PS. Case No.-121 Year-2023 Thana- Cyber P.S. District- Nalanda

=====

Gautam Kumar @ Gautam Raj S/O Ashok Ram R/O Village Benar P.S. Sare District Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

with

CRIMINAL MISCELLANEOUS No. 36651 of 2024

Arising Out of PS. Case No.-121 Year-2023 Thana- Cyber P.S. District- Nalanda

=====

Anand Kumar Son of late Satish Roy R/O Mohalla- Paithani Nathupur, Ward no. 03, P.S.- Beur, Dist.- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

=====

Appearance :
(In CRIMINAL MISCELLANEOUS No. 42502 of 2024)
For the Petitioner/s : Mr.Ansh Prasad
For the Opposite Party/s : Mr.Pranav Kumar
(In CRIMINAL MISCELLANEOUS No. 36651 of 2024)
For the Petitioner/s : Mr.Binay Kumar
For the Opposite Party/s : Mr.Ajay Kumar Jha

=====

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

4 01-10-2024 I have already heard the learned counsel for the

petitioners and learned APP for the State.

2. These are application for regular bail on behalf

of the petitioners for the offences alleged under Sections

406, 419, 420, 379, 467, 468, 471 and 120B/34 of the

Indian Penal Code and Sections 66C, 66 and 66(D) of the

Information Technology Act, registered in connection with



Nalanda Cyber P.S.Case No. 121 of 2023 (G.R.No.5944 of 2023).

3. One Aditi Priya lodged the FIR, stating therein that she received calls from mobile numbers 7814979950 and 9693114060. The caller apprised her that her flipkart consignment was cancelled and she would receive refund after sometime. The caller asked the informant to download an App (phone application). After some time of downloading of that App, Rs. 68347/- were withdrawn from her bank account.

4. During investigation, it was detected that the money withdrawn from the account of the informant was transferred in the account of the petitioner, Gautam Kumar @ Gautam Raj. Gautam Kumar was arrested and he confessed his guilt and apprised the police that he started cyber crime after coming into company of co-accused Deepak Kumar, who was also involved in this occurrence. On the disclosures made by the petitioners, the rented flat of the main mastermind Deepak Kumar was raided. Deepak Kumar absconded and on search of his rented flat, 11 debit cards and a number of cheque books of different Banks were recovered. Later on, Deepak Kmar was also arrested and he



gave his confessional statement before the police. Deepak Kumar has stated in his confessional statement that he used to pay Rs.200/- per ATM card to the petitioner, Anand Kumar (who is a delivery boy of Flipkart), in lieu whereof he used to provide ATM cards of different customers received by him from Blue Dart Company for the purpose of delivery to the customers. The confessional statement of the petitioner, Anand Kumar was also recorded, in which he has stated that he used to transfer the details of the ATM cards etc. to Deepak Kumar in lieu of money.

5. The learned counsel for the petitioners has submitted the petitioner are innocent and have falsely been implicated in these case. He has also submitted that confessional statement of the petitioners has no value in the eye of law. He has also submitted that so far as the petitioner, Anand Kumar is concerned, he is a delivery boy and the ATM cards recovered from his possession were received by him from the Blue Dart Company for the purpose of delivery to the customers, but he was arrested by the police on some ulterior motives.

6. On the other hand, the learned APP for the State has opposed the prayer for bail by submitting that both the



accused persons are involved in a serious crime.

7. The evidence collected during the course of investigation shows that the money, which was withdrawn from the bank account of the informant, was deposited in the bank account of the petitioner Gautam Kumar @ Gautam Raj. He is also involved in a similar case i.e. Sare P.S.Case No. 130 of 2017.

8. In view of the above facts and circumstances of the case, and the nature of allegation, I am not inclined to grant the privilege of bail to the petitioner Gautam Kumar @ Gautam Raj. His prayer for bail is accordingly **rejected**.

9. So far as petitioner, Anand Kumar (Cr.Misc.No.36651 of 2024) is concerned, he a person of clean antecedents and is a delivery boy of Flipkart. He is in custody since 18.03.2024.

10. In the facts and circumstances of he case, the petitioner Anand Kumar shall be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each, with two sureties of the like amount each, to the satisfaction of learned Chief Judicial Magistrate, Nalanda, Bihar Sharif in connection with Nalanda Cyber P.S.Case No. 121 of 2023, subject to the following conditions:-



(i) The the petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court below.

(ii) If it is found that the petitioner is involved in any other case, his bail bond shall not be accepted.

(Nawneet Kumar Pandey, J)

HR/-

U		T	
---	--	---	--

