

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45050 of 2024

Arising Out of PS. Case No.-23 Year-2023 Thana- Cyber P.S. District- Kishanganj

Khushal Ahmad @ Kaushal Ahmad Son of Late Kamrez Ahmad Resident of
Mohalla -Loharpatti Road, Thana- Kishanganj, Dist- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

3 21-09-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
Cyber P.S. Case No. 23 of 2023 dated 05-09-2023 instituted for
the offence punishable under Sections 420, 468 and 379/34 of
the Indian Penal Code and Sections 66D/66E of the I.T. Act.

3. Allegation against the petitioner is that he has taken
the Bank account of the informant's brother and committed
online financial fraud by tampering with this account.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this
case. It is further submitted that petitioner has not taken pass
book and sim card in- question and never used the same for any
monetary transaction. Learned counsel submits that the



allegation in the FIR is based on the basis of the delivery of the bank passbook and even if it is taken into consideration then also one cannot commit money fraud only through bank pass book and except this there is no other evidence against the petitioner. The petitioner is being made scapegoat to save the real culprit, who happens to be the brother of the informant. Further, there is no any substantive evidence come in the case diary connecting the petitioner with the alleged online fraud. Lastly, it has been submitted that petitioner has no criminal antecedents.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon, furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Session Judge-1st-cum-Special Judge, Kishanganj, Gaya, in Cyber P.S. Case No. 23 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 subject to the further conditions (i) that the petitioner shall co-operate in the trial and shall be properly



represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that if the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

7. The application stands allowed.

(Khatim Reza, J)

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