

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46180 of 2023

Arising Out of PS. Case No.-387 Year-2022 Thana- KOTWALI District- Patna

Md. Yusuf Ahmed S/O Jamir Ahmed R/O Village- Loharpatti, Gram
Panchayat at- Phulguni, P.S- Thawe, Distt.- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Assistant Registrar of Hon'ble Patna High Court

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Raj Krishna Jha, Adv.
For the State	:	Mr.Arun Kumar Singh, APP
For the O.P. No.2	:	Mr. Sanjeev Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

6 05-04-2024 Heard learned counsel for the petitioner and learned

APP for the State as also counsel for the Patna High Court.

Perused the case diary.

2. The petitioner seeks bail in connection with Kotwali
P.S. Case No. 387 of 2022 instituted for the offences under
Sections 417, 418, 419, 420, 120(B) of the Indian Penal Code
and Section 66 of the I.T. Act.

3. The prosecution case, in short, is that the learned
Registrar General of the Patna High Court, Patna received a
Whatsapp message on his official phone No. 9431017412 using
the profile photograph of Hon'ble the Chief Justice, Patna High
Court, Patna, asking him to arrange 15 pieces of Amazon gift
cards having the value of Rs. 10,000/- per card and share the



same through the links provided by the sender on mobile number 6033151630. Believing the message to be true, he purchased 15 Amazon gift cards and shared the same through the links as provided by the sender and, thus, the learned Registrar General paid Rs. 1,50,000/- from his salary account but, after a few minutes, he realized that the number of the Hon'ble the Chief Justice is different and, thereafter, he tried to redeem the gift cards to his amazon account but, he could redeem only five gift cards and 10 of such gift cards were already redeemed by the accused sender.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him in the F.I.R. and has falsely been implicated in the present case only on mere suspicion. The petitioner is not named in the F.I.R. and his name has surfaced in this case on the statement of the co-accused Sudhakar Marella. The petitioner has though confessed his involvement in the alleged offence before the police but, it has no evidentiary value in the eye of law. There is also no direct or specific allegation against him rather the same is general and omnibus in nature. He further submits that the petitioner is not the holder of the mobile, in question, and the cyber crime has been committed through



Whatsapp and, thus, there is no question of involvement of the present petitioner in this case. He further submits that charge-sheet has been submitted in this case and, thus, there is no need of custodial interrogation. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since 01.02.2023.

5. On the other hand, learned A.P.P. for the State and the Informant have vehemently opposed the prayer for grant of bail to the petitioner stating that the petitioner has confessed his involvement in the alleged offence and the offence alleged is serious in nature and, thus, he does not deserve bail.

6. Pursuant to the earlier order passed by a Co-ordinate Bench of this Court, the learned trial court has sent its report regarding stage of the case and from perusal of the report dated 01.03.2024, it appears that the case record is at the stage of evidence. Summons have been issued to the witnesses name in the charge sheet. No any witness has been examined yet. It has further been stated that it may take 6-8 months for concluding the trial.

7. From perusal of the case diary, it appears that though the petitioner is not named in the F.I.R. but, the co-



accused Sudhakar Marella in his statement has confessed the involvement of the present petitioner in the alleged offence. The petitioner has also confessed his guilt in his confessional statement. His mobile was seized and the seizure list was prepared. Charge-sheet has already been submitted against the petitioner u/s 379, 419, 420 I.P.C. and Section 66C/66D of the I.T. Act and the cognizance has also been taken against him.

8. Thus, considering the entire facts and circumstances of the case as also looking to the serious nature of offence as also the report sent by the learned trial court, this Court is not inclined to grant bail to the petitioner.

9. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously preferably within a period of six months from the date of receipt/production of a copy of this order.

10. If the trial is not concluded within the aforesaid period of six months, the petitioner will be at liberty to renew his prayer for bail before the court below which will be disposed of on its merit without being prejudiced by this order.

11. The District Magistrate, Patna and the Superintendent of Police, Patna are also directed to ensure the



presence of charge-sheet witnesses in time as and when required by the learned trial court.

12. Let a copy of this order be sent to the District Magistrate, Patna and the Superintendent of Police, Patna for strict compliance of the order of this Court.

(Rudra Prakash Mishra, J)

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