

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46308 of 2024

Arising Out of PS. Case No.-10 Year-2024 Thana- Cyber P.S. District- Sheikhpura

Pinku Kumar S/o Bipin Kumar R/o vill - Singhna, P.S. - Rupaul, Distt. -
Nawada,Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agarwal, Sr. Adv.
Ms.Diksha Kumari, Adv.
Mr. Kumar Rajdeep, Adv.

For the Opposite Party/s : Mr.Ganesh Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 19-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Sheikhpura Cyber P.S. Case No. 10 of 2024 instituted for the
offences under Sections 419, 420 of the Indian Penal Code and
Section 66(C), 66(D) of the Information Technology Act, 2008.

3. As per prosecution case, two unknown persons
fraudulently withdrew Rs. 30,000/- in cash from the account of
the Informant using ATM Card. It is further alleged that the
accused persons also purchased goods worth Rs. 60,000/- from
the store of Aditya Vision.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. The petitioner is not named in the F.I.R. and his name has surfaced in this case during investigation. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The date of occurrence is 10th of March, 2024 but, the F.I.R. has been registered on 13th of March, 2024 and, there is no valid explanation for such delay. There is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature. Charge-sheet has been submitted and the cognizance has also been taken by the court below. The petitioner has not been put on T.I. Parade. The petitioner has no concern with the alleged occurrence. The petitioner has five criminal antecedents and is languishing in judicial custody since 08.04.2024 without any rhymes or reason.

5. Learned counsel for the petitioner again submits that the co-accused namely Rajeev Kumar has been granted bail by this Court vide order dated 03.07.2024 passed in Cr. Misc. No. 45986 of 2024.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.



7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no specific allegation, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Sheikhpura Cyber P.S. Case No. 10 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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