

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48294 of 2024

Arising Out of PS. Case No.-32 Year-2024 Thana- Cyber P.S. District- Muzaffarpur

1. Quaish Ansari @ Md. Kaish @ Md. Quaish Son Of Quasim Ansari R/O- Village- Chhota Motipur Ward No. 18, P.S.- Bairiya, Distt.- West Champaran
2. Karmullah Ansari @ Md. Kalimullah Son Of Mumtaz Ansari R/O- Village- Jaukatiya Chaubey Tola, P.S.- Majhauilya, Distt.- West Champaran
3. Meraj Ansari @ Md. Meraj Alam Son Of Shoeb Ansari @ Soaib Ansari R/O- Village- Jaukatiya Chaubey Tola, P.S.- Majhauilya, Distt.- West Champaran
4. Nemullah Ansari @ Naimullah Ansari Son Of Md. Noor Alam R/O- Village- Jaukatiya Chaubey Tola, P.S.- Majhauilya, Distt.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Adv.

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 21-09-2024 Heard Learned Counsel for the petitioners and
Learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Town Cyber P.S. Case No. 32 of 2024 dated 31.03.2024, lodged under Sections 170, 419, 420 of the Indian Penal Code read with sections 66(C) and 66(D) of the Information Technology Act.

3. As per the prosecution, FIR has been lodged against the owners of different mobile numbers and unknown persons against whom there is an allegation that they have committed cyber fraud.



4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel submits that the petitioners are not named in the FIR, rather, only mobile numbers have been indicated and during the course of investigation, name of the petitioners have been figured in this case by virtue of the confessional statement of Ehsan Alam. Counsel further submits that the offences alleged in the FIR are primarily of Information Technology Act in which punishment is of three years and fine. Counsel submits that due to sections 419 and 420 of the IPC, the offence become bailable.

5. Learned Counsel for the petitioners further submits that the criminal antecedent of the petitioners are not clean as there is one criminal case pending against petitioner no.1 in which he is on bail; two criminal cases pending against petitioner no.2 and in both the cases, he is on bail; one criminal case pending against petitioner no.3 in which he is on bail. But, the criminal antecedent of the petitioner no.4 is clean. Counsel further submits that the fine amount which has been inserted in the Information Technology Act, accused persons are ready to deposit the same subject to result of the case.

6. Learned APP for the State opposes the prayer for bail of the petitioners and submits that though, petitioners are



not named in the FIR, but during investigation, their name has been figured in this case by virtue of the confessional statement.

7. As such, considering the aforesaid facts and circumstances, let the above named petitioners be released on bail subject to the payment of Rs.50,000/-(Rupees Fifty Thousand) by each petitioners before the Trial Court which is subject to trial of the present case, in the event of arrest or surrender before the learned Court below within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) each with two sureties of the like amount before the Court of Sub-Divisional Judicial Magistrate(West), Muzaffarpur in connection with Town Cyber P.S. Case No. 32 of 2024 subject to the conditions as laid down under Section 438(2) Cr.P.C.

8. The Trial Court shall accept the bail bond of the petitioners on production of substantial proof showing deposit of Rs.50,000/-(Rupees Fifty Thousand) by each petitioners before the Trial Court as well as the Trial Court on being satisfied that the petitioners are not absconding in any of the cases pending against them as detailed in paragraph no.3 of the bail application which states as under:-

9. Pending case against petitioner no.1 is as follows:-



I. Bairiya P.S. Case No.293 of 2023.

Pending cases against petitioner no.2 are as follows:-

I. Bettiah Town P.S. Case No.284 of 2022.

II. Bettiah Town P.S. Case No.583 of 2022.

Pending case against petitioner no.3 is as follows:-

I. Majhauriya P.S. Case No.387 of 2022.

(Dr. Anshuman, J)

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