IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48618 of 2024

Arising Out of PS. Case No.-10 Year-2023 Thana- Cyber P.S. District- West Champaran

==

Vashisth Yadav, Son of Banaras Yadav, Resident of Village- Laxmipur Patilar, P.S.- Chautarwa, District- West Champaran.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

==

Appearance :

For the Petitioner/s	:	Mr.Vijay Kr Singh No. 1, Advocate
For the State	:	Mr.Kumar Veerendra Narayan, APP
For the Informant	:	Mr. Kanhaiya Rao, Advocate Mr. Rakesh Kumar Mishra, Advocate

==

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

3 20-11-2024 Heard learned counsel for the petitioner, learned APP for the State and learned counsel for the informant.

2. In the present case, the petitioner seeks bail in connection with Cyber Bagaha P.S. Case No. 10 of 2023, registered for the alleged offence under Sections 406, 420 of the Indian Penal Code and Section 66 (C) (D) of Information Technology Act.

3. The allegation against the petitioner is that he cheated the informant and other persons huge amount of money in course of his work as CSP distributors and the informant and other victims were made sub-distributors. In this manner, the informant was made to transfer Rs. 2,50,000/- to the petitioner. In similar manner, other persons also transferred money to the

petitioner.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The allegation against the petitioner is that his CSP was closed on 10.01.2022 but the present case was lodged on 10.08.2023 without any explanation for such inordinate delay. The learned counsel further submits that no transaction was done by the petitioner through his mobile phone nor he received any money from the informant through his mobile. There is not a chit of paper to show any transaction of money between the petitioner and the informant. Even during investigation, police also failed to collect any material to connect the petitioner with any offences as alleged. The whole dispute is between the distributor and sub-distributor and no depositors came forward to allege that the petitioner has cheated them in any manner. The petitioner is having clean antecedent.

5. The learned APP as well as learned counsel for the informant vehemently oppose the submission made on behalf of the petitioner. The learned counsel for the informant submits that there is specific allegation against the petitioner that the informant transferred Rs. 2,50,000/- to the petitioner and after taking money which was collected by the informant and others,

the petitioner closed his CSP and fled away taking the money deposited with them. The learned counsel further submits that proceeding under Sections 82 and 83 Cr.P.C. has also taken place and even in such view of the matter, the anticipatory bail has not remained maintainable.

6. Having regard to the nature of allegation, I am not inclined to enlarge the petitioner on anticipatory bail.

7. Accordingly, his prayer for grant of anticipatory bail is rejected.

(Arun Kumar Jha, J)

V.K.Pandey/-

U		T	