

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49044 of 2024

Arising Out of PS. Case No.-3 Year-2024 Thana- Cyber P.S. District- Banka

Umeshwar Prasad @ Umesh Saw son of Late Chandrika Prasad Village-
Kurthol PS- Parsa Bazar Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Giridhar Gopal Tiwary, Advocate

For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

3 21-09-2024 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Banka Cyber P.S. Case No. 03 of 2024,
registered for the offence punishable under Sections 419 and
420 of the Indian Penal Code and Sections 66(C) and 66(D) of
the I.T. Act.

3. Based upon the written report, the prosecution
alleges that some unknown persons in the name of informant
used to call the general public and in the name of providing job,
extracted money. The petitioner is the account holder of phone
pay no. 9771925923.

4. Learned Advocate for the petitioner contended that
the FIR has been instituted on the basis of suspicion of
indulging the petitioner and others in extracting money by



giving promise of providing job. Except Section 420 of the Indian Penal Code all the penal provisions alleged in the FIR are bailable in nature. During the course of investigation, it has come that for the four times Rs. 1,100/- have been deposited in the alleged phone pay no. 9771925923 and later on Rs. 2,500/- has been deposited by one another person. This is the fact that the person, who have deposited the money, they have never made any complaint against the petitioner. Moreover, the petitioner is a man of fair antecedent and now he has been incarcerated since 25.02.2024. The investigation of the crime is complete and the charge-sheet has been submitted.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the nature of crime appears to be serious and on the pretext of providing job, money has been extracted.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that crime, in question, is triable by the Magistrate and now the petitioner has been incarcerated for over a period of seven months, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Banka in connection with Banka Cyber P.S.



Case No. 03 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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