

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54073 of 2024

Arising Out of PS. Case No.-11 Year-2024 Thana- Cyber P.S. District- Buxar

Ashutosh Dubey @ Chotu S/o- Purushottam Dudey Village- Akasmini Nagar
PS- Vikramganj, Dist- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar, Adv.

For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP

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

ORAL ORDER

3 04-10-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Buxar
(Cyber) P.S. Case No. 11 of 2024 instituted for the offences
under Sections 406, 420 of the Indian Penal Code and Section
66(C), 66(D) of the I.T. Act.

3. As per prosecution case, on the day of occurrence,
one Amit Kumar came at the shop of the Informant and asked
for his QR Code so that he can pay the Informant. Thereafter,
Rs. 50,000/- was transferred to the Bank account of the
Informant and, in return, he gave Rs. 49,500/- to Amit Kumar
after curtailing his commission. It is alleged that the amount
transferred to the account of the Informant is by way of Cyber



fraud.

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 transpired in this case in course of investigation on the basis of the confessional statement of co-accused Amit Kumar Gupta. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. Except confessional statement, there is nothing against the petitioner. Charge-sheet has been submitted in this case by the Investigating Officer on 25.04.2024 under Sections 406, 420 of the I.P.C. and Sections 66(C), 66(D) of the I.T. Act. The petitioner has three criminal antecedent and is languishing in judicial custody since 31.05.2024 without any rhymes or reason.

5. Learned counsel for the petitioner again submits that the co-accused namely Vivek Kumar @ Sikku Patel has been granted bail by this Court vide order dated 20.09.2024 passed in Cr. Misc. No. 60009 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, stating that the offence alleged against the petitioner is serious



in nature and, hence, he does not deserve bail by this Court.

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, 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 Buxar (Cyber) P.S. Case No. 11 of 2024.

(Rudra Prakash Mishra, J)

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