

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54682 of 2024

Arising Out of PS. Case No.-17 Year-2024 Thana- Cyber P.S. District- Nawada

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Anil Kumar S/O Mr. Dowarika Paswan R/O Village- Asarhi, P.S- Mufassil,
Distt.- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : M. A.K. Thakur, Adv.

Ms. Vaishnavi Singh

For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP

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**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 called for

in Cr. Misc. No. 54578 of 2024.

2. The petitioner seeks bail in connection with

Cyber P.S. Case No. 17 of 2024 instituted for the offences

under Sections 379 and 420 of the Indian Penal Code and

Sections 66(C) and 66(D) of the Information Technology

Act.

3. As per prosecution case, the accusation against

the petitioner is of being involved in fraudulent/illegal

withdrawal of Rs. 1,58,700/- from the account of the

Informant. It is alleged that the police has recovered one



Mantra devices, one Marpo device, one black colour device on which SecuGen was written, 148 Clone finger print, one PNB Passbook in the name of Ajit Kumar, five ATM cards of different Banks, one Vivo android mobile etc. from the house of the petitioner.

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. as the same has been instituted against unknown persons. From the F.I.R. itself, it appears that the F.I.R. has been lodged on 04.03.2024 i.e. after more than a month without there being any plausible explanation for the same and the same has been received in the court only on 11.03.2024 which also creates a doubt in the entire case. The name of the petitioner has surfaced in this case on the basis of the confessional statement of the co-accused Navlesh Kumar. The petitioner has no concern with the co-accused Navlesh Kumar. The petitioner has also no concern with any of the transactions as traced by the police and absolutely nothing



incriminating has been recovered from the possession of the petitioner to connect him with the alleged crime. There is also non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner has no criminal antecedent and is languishing in judicial custody since 30.04.2024 without any rhymes or reason. Charge-sheet has been submitted in this case.

5. Learned counsel for the petitioner further submits that the police allegedly raided the joint family house of the petitioner in which not only the family of the petitioner is residing but, the father of the petitioner, who are five brothers, are also residing in the said house. She further submits that the police has stated that from the house of the petitioner, 12 articles allegedly were seized including 148 clone finger prints along with one PNB Passbook in the name of Ajit Kumar, who is younger brother of the petitioner. She again submits that so far as ATM of PNB is concerned, the same belongs to Ajit Paswan. The ATM of Bandhan Bank is of one Anil Kumar and the ATM of Fino Payment Bank is not even activated. She further



submits that the petitioner was earlier running CSP of Fino Payments Bank and the Mantra device and other devices were kept for the said purpose and the aforesaid 148 finger prints were of the customers which were taken at the time of opening of bank account through CSP. The CSP of Fino payments bank has already closed in the year 2022 itself.

6. Learned counsel for the petitioner further submits that the co-accused Rajkumar @ Akhilesh Chaudhary has already been granted bail by this Court vide order dated 21.08.2024 passed in Cr. Misc. No. 57763 of 2024.

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

8. From the Office-note dated 03.10.2024 in Cr.Misc. No. 54578 of 2024, it appears that in compliance to the earlier order dated 09.08.2024 passed by a Co-ordinate Bench of this Court, the xerox copy of the case diary along with criminal antecedent of the petitioner Anil Kumar and co-accused Navlesh Kumar has been received and is kept on



record and, from perusal of the same, it appears that the petitioner carries no criminal antecedent.

9. 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 criminal antecedent, 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 Cyber P.S. Case No. 17 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.

(iii) If the petitioner tampers with the evidence or



the witnesses of the case by intimidating/pressurizing the witnesses, during the investigation or trial, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Rudra Prakash Mishra, J)

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