

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57763 of 2024

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

Rajkumar @ Akhilesh Chaudhary son of Darbari Chaudhary Village- Mosma
Ps- Warsaliganj Dist- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Vaishnavi Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

2 21-08-2024 Heard learned counsel for the petitioner and

learned APP for the State.

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 stamp

making machine, Mantra device, debit cards, pen drives,



mobile phone, one OTG and cash amounting Rs. 2,00,000/- 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. 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 Naulesh Kumar. She further submits that nothing incriminating has been recovered from the conscious possession of the petitioner which connects the petitioner with the alleged occurrence/crime. She again submits that the seized cash amounting Rs. 2,00,000/- belongs to his father who is an agriculturalist. The petitioner has no concern with the alleged



occurrence. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner has three criminal antecedents and is languishing in judicial custody since 30.04.2024 without any rhymes or reason. Charge-sheet has been submitted in this case.

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

6. 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 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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