

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54578 of 2024

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

Ram Babu son of Awadh Chauhan Village- Isua Ps- Sarmera Dist- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. A.K. Thakur, Adv. Ms. Vaishnavi Singh, Adv.
For the Opposite Party/s	:	Mr. Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

5 04-10-2024 Heard learned counsel for the petitioner and

learned APP for the State. Perused the case diary.

2. From perusal of the Office-notes dated 03.10.2024, 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 Anil Kumar and Navlesh Kumar has been received and is kept on record but, the report regarding criminal antecedent of the petitioner/Ram Babu is not there.

3. 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.

4. 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 two Mantra devices, Two ATM cards, Clone finger prints, one Realme mobile, two Vivo mobiles, one laptop and 16 SIM cards of different companies from the house of the petitioner.

5. 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 a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner has no 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.

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. Learned counsel for the petitioner submits that though there is no report regarding criminal antecedent of the petitioner but, submits that in case the petitioner is



granted privilege of bail by this Court, the learned court below may be directed to accept the bail bonds of the petitioner only after verifying the criminal antecedent of the petitioner.

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

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.

10. It is made clear that before accepting the bail bonds, the learned court below will verify with respect to the criminal antecedent of the petitioner and, in case, any criminal antecedent is found as against him, his bail bonds will not be accepted.

(Rudra Prakash Mishra, J)

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