

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58657 of 2024

Arising Out of PS. Case No.-20 Year-2023 Thana- Cyber P.S. District- East Champaran

Ashish Kumar Son of Shankar Prasad R/O Ward no. 21, Ramjanki Mandir
Road, Raxaul, P.S.- Raxaul, Dist.- East Champaran

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Ajit Kumar, Computer Operator, Nagar Parishad, Raxaul

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rudrank Shivam Singh, Advocate
For the Informant	:	Mr. Indu Bhushan, Advocate
For the Opposite Party/s	:	Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 03-12-2024 Heard Mr. Rudrank Shivam Singh, learned counsel
for the petitioner, Mr. Indu Bhushan, learned counsel for the
Informant as well as Mr. Syed Ehteshamuddin, learned APP for
the State.

2. Petitioner seeks bail, who is in custody since
03.05.2024, in connection with Motihari Cyber P.S. Case No. 20
of 2023, F.I.R. dated 26.11.2023 registered for the offences
punishable under Sections 420, 467, 468, 471 of the Indian
Penal Code and Sections 65/66-C/66-D.I.T. Act.

3. As per the prosecution case, the petitioner being a
Government servant tried to misappropriate the Government
money in connivance with other co-accused persons and tried to
change the PFMS Code.



4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that as per allegation in the F.I.R. that the petitioner was a computer operator in the office of Nagar Parishad, Raxaul and he tried to change DEO of PFMS and password of EOID and also tried to provide undue advantage to other co-accused persons by making payment advice vis-a-vis (I) Payment Advice No. C112332559191 of Rs. 91,32,634/- (ii) Payment Advice No. C112332562491 of Rs. 95,83,528/- and (iii) Payment Advice No. C112332566821 of Rs. 75,12,865/-. Although the petitioner attempted four times to use PFMS but he did not succeed. Further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that the Executive Officer has filed the present case against the petitioner only to harass the petitioner and during investigation no other cogent material (scientific) has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 03.05.2024.



5. The learned counsel for the Informant as well as learned Additional Public Prosecutor for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Motihari Cyber P.S. Case No. 20 of 2023, subject to the following conditions :-

(1) Petitioner shall co-operate 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that 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 antecedents, the court below shall take step for



cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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