

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52761 of 2024

Arising Out of PS. Case No.-11 Year-2023 Thana- Cyber P.S. District- Gopalganj

Adarsh Kumar Singh @ Adharsh Kumar Singh Son of Munna Singh R/O
Vill.- Jagirhan, Akshayvar Pipra, P.s.- Sidhwaliya, Dist.- Gopalganj

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 57441 of 2024

Arising Out of PS. Case No.-11 Year-2023 Thana- Cyber P.S. District- Gopalganj

Sujit Chauhan @ Sujit Kumar son of Manoj Mahto Resident of Vill-
Akshaiver pipra P.S- Mohammadpur Dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 52761 of 2024)
For the Petitioner/s : Mr.Dharmveer Jha
For the Opposite Party/s : Mr.Ram Anurag Singh
(In CRIMINAL MISCELLANEOUS No. 57441 of 2024)
For the Petitioner/s : Mr.Umesh Kumar Singh
For the Opposite Party/s : Mr.Anil Kumar

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 13-09-2024 Since both the applications arises out of Gopalganj

Cyber P.S. Case No. 11 of 2023, as such, they have been taken

up together and are being disposed of by this common order.

02. Heard learned counsel for the petitioners and

learned APPs for the State.

03. In this present case, the petitioners are



apprehending their arrest in connection with Gopalganj Cyber P.S. Case No. 11 of 2023 registered for the alleged offences under Sections 420 and 406 of the Indian Penal Code and Sections 66 (C), 66(D) of the I.T. Act.

04. As per prosecution case, account of the petrol pump of the informant was kept on hold at the request of Gujarat Police since proceeds of a cyber fraud amounting to Rs. 22,000/- was deposited into the account of the informant by the co-accused Piyush Kumar Singh. The informant used to deposit money from the proceeds of sale with a C.S.P. who used to transfer the same in the account of the informant. The Manager of the CSP named the petitioners and co-accused on account of their suspicious activities who might be involved in making transaction through the account of the informant.

05. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. From the FIR, it is evident that CSP operator, Sunny Kumar, might be involved as he was the person who used to transfer the money in the account of the informant and the petitioners have nothing to do with the account of the informant. There is no allegation that any money was transferred into the accounts of the petitioners from the



account of the informant and hence no offence under Sections 406 and 420 of the IPC is made out against the petitioners. Even the money, which was transferred into the account of the informant on account of which the account of the informant was put on hold, has been returned to the account of original holder. However, the petitioners have nothing to do with whole transaction. The petitioners are having clean antecedent. Similarly situated co-accused persons have already been granted anticipatory bail by this Court vide order dated 12.07.2024 passed in Cr. Misc. No. 40546 of 2024.

06. Learned APP opposes the prayer for anticipatory bail.

07. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the lack of substantive material against the petitioners to connect the with the offences as alleged and further considering the probability of false accusation, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial



Magistrate, Gopalganj/concerned court in connection with Gopalganj Cyber P.S. Case No. 11 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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