

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60009 of 2024

Arising Out of PS. Case No.-11 Year-2024 Thana- Cyber P.S. District- Buxar

Vivek Kumar @ Sikku Patel S/o Laxman Singh @ Lakshuman Singh R/o
Shivji Nagar, ward no. 15, P.S. - Bikramganj, Distt. - Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nagendra Upadhyay, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 20-09-2024 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in Buxar Cyber P.S. Case No. 11 of 2024, instituted for the offences punishable under Sections 406 & 420 of the Indian Penal Code and Sections 66(c) & 66(D) of the I.T. Act.

3. The prosecution case, in short, is that, one Amit Kumar came at the shop of the informant and asked for his QR Code so that he can pay the informant. Thereafter, Rs. 50,000/- was transferred to the bank account of the informant and in return he gave Rs. 49,500/- to Amit Kumar after curtailing his commission. It is alleged that the amount transferred to the account of the informant is by way of cyber fraud.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner also submits that the petitioner is not named in the FIR. Name of the petitioner has transpired on the basis of confessional statement of co-accused Amit Kumar Gupta and the same has got no evidentiary value. The petitioner is in custody since 03.05.2024 and has got eight criminal antecedents in which he is on bail in eight cases. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted regular bail by this Court vide order dated 14.08.2024 passed in Cr. Misc. No. 55324 of 2024.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, taking into account the period of custody undergone by the petitioner and claim based on parity, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two



sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Buxar Cyber P.S. Case No. 11 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

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

(Rudra Prakash Mishra, J)

Rajorshi/-

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