

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60327 of 2024

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

Mithlesh Kumar, Son of Manoj Rajak, Resident of village- Srinagar
Raghunathpur, PS- Sahebpurkamal, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shubham Sourav, Advocate
Mr. Ram Param, Advocate
For the Opposite Party/s : Mr. Pankaj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 31-08-2024 Heard Mr. Shubham Sourav, learned Advocate

appearing on behalf of the petitioner and the learned Additional

Public Prosecutor for the State. The informant appears through

Mr. Ram Murty.

2. The application for grant of bail to the petitioner
who is in custody in connection with Cyber P.S. Case No. 17 of
2024 registered for the offence punishable under Section 420 of
the Indian Penal Code and Section 66(C) and 66(D) of I.T. Act.

3. Based upon the written report the prosecution
alleges that on 02.05.2024 the informant withdrew Rs. 30,000/-
through a cheque from his bank account no. 343061022379,
State Bank of India, Barbigaha Branch. It is further alleged that
on 13.05.2024 when the informant updated his passbook he



found that a total amount of Rs. 1,35,000/- has been withdrawn in installments through different UPI made by his registered phone number.

4. Learned Advocate appearing on behalf of the petitioner contended that the FIR has been instituted against unknown miscreants. During the course of investigation one Suraj Kumar was apprehended and the name of the petitioner has sprung up on the confessional statement of co-accused Suraj Kumar. It is next contended that the registered UPI number does not belong to the petitioner. Moreover, the petitioner is a student of B.A.(Honors) in S.B.S.S. College, Begusarai having fair antecedent. He has been incarcerated since 01.06.2024. It is lastly contended that be that as it may, the petitioner has always been ready to cooperate with the investigation and in case if there would be any need of his physical appearance, he will ensure his assistance.

5. On the other hand, learned Additional Public Prosecutor for the State, as well as, Advocate appearing on behalf of the informant, vehemently opposed the bail application and submits that the informant is a teacher in a Government school and by committing cyber crime, the miscreants took away Rs. 1,35,000/- from his account.



6. Regard being had to the submissions made on behalf of the parties and considering the fact that there is no cogent material suggesting the complicity of the petitioner in the crime barring the confessional statement. Moreover, there is no money transaction which suggest that any amount has been deposited in the account of the petitioner or he is anyhow beneficiary, coupled with the fact that the petitioner is a student having fair antecedent, let the petitioner, named above, 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 learned Chief Judicial Magistrate, Sheikhpura in connection with Cyber P.S. Case No. 17 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates



without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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