IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68795 of 2024

Arising Out of PS. Case No.-21 Year-2024 Thana- Cyber P.S. District- Khagaria

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Manjesh Kumar Son of Vijendra Singh @ Bijendra Singh Resident of Village- Sondiha, PS- Pasraha, District- Khagaria.

... ... Petitioner/s

Versus

The State of Bihar.

... ... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Amar Kumar Singh, Advocate.
For the Opposite Party/s	:	Mr. Bharat Lal, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH

ORAL ORDER

3 20-11-2024 Heard Mr. Amar Kumar Singh, learned counsel for the Petitioner, and Mr. Bharat Lal, learned APP for the State.

2. Petitioner seeks regular bail in connection with Cyber P.S. Case No. 21 of 2024 dated 21.07.2024 registered for the offences punishable under Sections 319, 318(4), 111 B.N.S. Act, 2023 and under Section 66D of I.T. Act.

3. As per prosecution story, Rahul Kumar (informant) stated that wife of informant has account no. 1536104000133340 in IDBI Bank, Khagaria his co-villager Mangesh Kumar (petitioner) has a cloth shop, and he told him if he could provide his account he will pay Rs. 4,000/-, due to greed he provided the account of his wife, A.T.M. Card and mobile number. After a few days Manjesh told him that his A.T.M. was with Deepak Kumar, on 20.07.2024 Bank Manager informed through phone that in his account a transaction of huge amount had been done and that was shown by manager, then he suggested to go to Cyber P.S. then on 21.07.2024 an application was given and till 20.07.2024 a total amount of Rs. 74,77,300.01 had been withdrawn which was not known to him.

4. The main submissions advanced by the learned counsel for the petitioner are that petitioner is simply a shopkeeper and as per the allegation the informant provided his Bank Account details to him and the same was allegedly forwarded by this petitioner to co-accused Deepak Kumar and thereafter as per allegation in the informant’s Bank Account transaction of a huge amount of Rs. 74,77,300 (Seventy four lakhs seventy seven thousand and three hundred) was allegedly made. In that transactions, the petitioner had no role and he has fair and clean antecedent and he is not liable in respect of the alleged transactions as the same were made in the Bank Account of the informant and there is no direct evidence against this petitioner to show his involvement in that alleged transaction of the huge amount.

5. On the other hand, learned APP for the State has vehemently opposed the prayer for bail of the petitioner and submitted that it was the petitioner who firstly got the A.T.M.

Card and the details of the Mobile Number and account of the informant and thereafter provided the same to the co-accused Deepak Kumar and thereafter the transaction of a huge amount of rupees of more than 74 lakhs was detected in the Bank Account of the informant. Though, there is no direct evidence in respect of the petitioner's involvement in the alleged transactions but during the course of investigation, from the house of this petitioner details of several bank accounts running in the name of this petitioner as well as his family members were found and there is no justification of opening such large number of the bank accounts by the petitioner, who is said to be a small shopkeeper and further the investigation in respect of some important points is still remaining.

6. Heard both the sides and perused the F.I.R. of this case. Though, there is no direct evidence against this petitioner in respect of the commission of alleged occurrence which relates to the transaction of a huge amount in the bank account of the informant but as per the prosecution story, it was the petitioner who firstly got the bank details as well as A.T.M. Card of the informant and thereafter he allegedly provided the same to the co-accused Deepak Kumar and thereafter the alleged transaction of money was detected and during the investigation, the details of the several bank accounts running in the name of petitioner and his family members surfaced of which details is mentioned in Paragraph No. 6 of the case diary and the investigation on the some points is still running. In my opinion, it is not a fit case for bail to the petitioner at this stage, accordingly, his bail prayer stands rejected.

7. However considering the petitioner's fair and clean antecedent and non-availability of direct evidence against him at this stage he is given a liberty to renew his bail prayer after the framing of charge.

(Shailendra Singh, J)

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