

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70957 of 2024

Arising Out of PS. Case No.-37 Year-2023 Thana- Cyber P.S. District- Katihar

Isha Kumari Wife of Kundan Kumar Jaiswal, Daughter of Late Guddu Prasad Chaudhary Resident of Naurangiya, P.S. - Madhuban, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kaushal Kumar, Adv.

For the Opposite Party/s : Mr.Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 20-11-2024 Heard learned counsel for the petitioner and learned APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Cyber P.S. Case No. 37 of 2023 (G.R. No. 6408 of 2023) instituted for the offences under Sections 419, 420, 467, 468 of the Indian Penal Code r/w Sections 66(C), 66(D) of the I.T. Act.

3. As per prosecution case, the Informant has been cheated Rs. 2,60,995/- for opening mini branch of Central Bank. It is alleged that the petitioner has been found active member of Cyber frauds Gang involved in illegally obtaining Bank A/c numbers and its transfer to several persons for Cyber frauds. It is also alleged that the petitioner's seized



mobile numbers have been found containing several Bank account details, Aadhar Card, PAN Card, Banking QR Code and financial transactions of more than 01 crore was found.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against her and has falsely been implicated in the present case due to malafide and malicious intention of the police as she failed to meet out their illicit and illegal demand. The petitioner is not named in the F.I.R. and has falsely implicated in this case on her own confessional statement. The petitioner has never used the alleged Mobile number used in Cyber offence and the cheated money was also not recovered from her possession. During entire investigation, not a single witness has come forward to support the prosecution version or to show the complicity of the petitioner in the alleged occurrence. The petitioner has no concern with the other accused persons and alleged telephone numbers. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner has no criminal antecedent and is languishing in judicial



custody since 25.06.2024 without any rhyme or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that though the petitioner is not named in the F.I.R. but, in course of investigation, she was arrested along with co-accused Nestaak Alam and from his possession, several incriminating articles were recovered. The petitioner has also confessed her guilt of being involved in the Cyber offence. The petitioner's seized mobile has also been found containing several virtual e-Sim numbers, most of them were used to establish contact with Pakistani Cyber frauds. The offence alleged against the petitioner is serious in nature and, hence, she does not deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court



below/concerned Court in connection with Cyber P.S. Case
No. 37 of 2023 (G.R. No. 6408 of 2023).

(Rudra Prakash Mishra, J)

rishi/-

U		T	
---	--	---	--

