

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76291 of 2024

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

Nestaque Alam @ Nestak Alam Son of Kazim Miyan Resident of Village -
Purana Tola Ward No. 06, Jaukatiya, P.S.- Manjhauliya, District- West
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhurendra Kumar, Advocate
For the Opposite Party/s : Mr. Sucheta Yadav, APP

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

ORAL ORDER

4 20-12-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Katihar
Cyber P.S. Case No. 37 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.

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 he failed to meet out their illicit and illegal demand. The petitioner is not named in the F.I.R. and name of the petitioner transpired in this case, during course of investigation. 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 rhymes or reason. Other co-accused has been granted bail by this Court *vide* order dated 20-11-2024, passed in Cr. Misc. No. 70957 of 2024.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

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 Katihar Cyber P.S. Case No. 37 of
2023.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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