IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72059 of 2023

Arising Out of PS. Case No.-19 Year-2023 Thana- Cyber P.S. District- Araria

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Rohit Kumar S/O- Bhola Prasad Village- Bhagan Bigha W.No-13, Ps- Bhagan Bigha Op Dist- Nalanda

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Vijay Anand, Advocate
For the Opposite Party/s : Mr. Satyendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

3 29-02-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Cyber Crime P.S. Case No. 19 of 2023 dated 15.07.2023, instituted for the offence punishable under Sections 418, 420, 411 of the Indian Penal Code and 66 (C) , 66(D) of the I.T. Act, 2000.

3. The prosecution case, in short, is that the informant namely, Neelam Pandey got a message on her whatsapp from the representative of Parle Agro namely, Ashutosh Singh. She sent her some documents on the same whatsapp number and after approval the informant demanded Rs. 29,500/- to give to the company. After that a token money of Rs. 3,04,385 was also demanded from her. After that again she was demanded Rs.

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2,75,000/-. A total of Rs. 6,08,885 was deposited by her, but the agreed goods were not delivered. When she contacted the bank, the bank informed her about the fraud.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that petitioner was appointed as a Business Correspondent Agent and allowed to run a customer service point at Badi Pahadi, District- Nalanda and his CSP Code No. is 1A74G647 and the certificate was issued by Save Solutions Pvt. Ltd., a company incorporated under the Companies Act, 2013. It is admitted case of the informant that the total amount of Rs. 6,08,885/- was deposited in the account of Vikash Kumar later on the said amount was transferred to Rohit Kumar (petitioner) and Suraj. It is submitted that the account no. 7503316231 of Indian Bank was running in the name of the company but the petitioner has no concern with the aforesaid account no. It is also submitted that petitioner has no concern with the mobile no. 9038428408 on which message was sent to the informant for depositing the amount as well as application form for Distributorship. It is further stated that petitioner has no link with co-accused namely Vikash Kumar. It is further submitted that during the course of investigation, the

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evidence was collected according to which some amount has been credited in the account of petitioner from the account of Vikash Kumar. Lastly, it has been submitted that the petitioner has no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Learned counsel for the petitioner submits that petitioner is ready to return the half of the alleged amount i.e. Rs. 3,04,500/-(approx) in favour of the informant in three months.

7. Learned APP for the State is also ready for the same.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Cyber Crime P.S. Case No. 19 of 2023, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria, subject to condition as laid down under Section 438(2) of the Cr.P.C. and further that the petitioner will make payment of Rs. 3,04,500/- to the informant

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in three installment in three months; the first installment of Rs. 1,00,000/- shall be paid by the petitioner to the informant by 07th March 2024 through Demand Draft. Only after payment of the first installment, the petitioner shall be released on provisional bail. The petitioner shall thereafter pay Rs. 1,00,000/ in the second month and the remaining amount i.e. Rs. 1,04,500/- in the third month through demand draft.

9. Upon payment of entire amount i.e. Rs. 3,04,500/- to the informant, the provisional bail of the petitioner shall be confirmed by the Court below itself. The payment of the amount shall be subject to the final outcome of the case.

10. If the petitioner fails to deposit the amount as undertaken by him, Court below will be at liberty to cancel his provisional bail.

11. The application stands disposed of.

(Khatim Reza, J)

sankalp/-

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