

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73837 of 2024

Arising Out of PS. Case No.-11 Year-2024 Thana- Cyber P.S. District- Buxar

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Amit Kumar Gupta @ Amit Prasad S/O Late Janki Sah R/o Village
Aurangabad (Shahpur Akhada) P.S .- Aurangabad (Nagar) Distt.- Aurangabad.
At present residing at Lala Mohalla , Gali No- 03, Bikramganj, P.S.-
Bikramganj, Dist.- Sasaram (Rohtas)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ramakant Yadav, Adv.

For the Opposite Party/s : Mr.Satyendra Narayan Singh, APP

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

ORAL ORDER

2 30-10-2024 Heard learned counsel for the petitioner
and learned APP for the State.

2. The petitioner seeks bail in connection
with Buxar Cyber P.S. Case No. 11 of 2024
instituted for the offences under Sections 406, 420
of the Indian Penal Code and Section 66(C), 66(D)
of the I.T. Act.

3. The prosecution case, in short, is that
the petitioner came at the shop of the Informant
and asked for his QR Code so that he can pay the
Informant. Thereafter, Rs. 50,000/- was transferred
to the bank account of the Informant and, in



return, he gave Rs. 49,500/- to the petitioner/Amit Kumar after curtailing his commission. It is alleged that the amount transferred to the account of the Informant is by way of Cyber fraud.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. He submits that, in fact, the cheating was committed in favour of the petitioner. The Informant himself committed forgery and by making a false story, the present F.I.R. has been lodged against the petitioner. He further submits that the case has been compromised between the parties. The petitioner has one criminal antecedent and is languishing in judicial custody since 28.03.2024 without any rhymes or reason.

5. Learned counsel for the petitioner again submits that the co-accused namely Rohit Kumar @ Rohit Singh has already been granted bail by this Court vide order dated 14.08.2024 passed in Cr. Misc. No. 55324 of 2024.



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

7. At this stage, learned counsel for the petitioner gives an undertaking that the petitioner is ready to refund the amount, in question, i.e. Rs. 49,500/- to the Informant.

8. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the undertaking given by the learned counsel for the petitioner, 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 Buxar Cyber P.S. Case No. 11 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and



every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

9. It is made clear that the petitioner shall deposit the amount of Rs. 49,500/- in the account of the Informant within a period of fifteen days from the date of his release on bail and, in failure to do so within the aforesaid prescribed time, the court below will be at liberty to cancel the bail bond of the petitioner.

(Rudra Prakash Mishra, J)

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