IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77237 of 2024

Arising Out of PS. Case No.-12 Year-2024 Thana- Cyber P.S. District- Nalanda

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Gulshan Kumar, Son of Rajeev Ram, Resident of Village- Chotti Pahari, Mansur Nagar, P.S. - Sohsarai, District- Nalanda

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Piyush Singh, Advocate
For the Opposite Party/s : Mr. Manoj Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 18-12-2024 Heard learned Advocate for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail, who is in custody in connection with Cyber P.S. Case No. 12 of 2024 registered for the offences punishable under Sections 409, 420, 466, 467, 468, 419, 474, 477A, 120B of the Indian Penal Code and Sections 66, 66(b) and 66(d) of the I.T. Act.

3. Based upon the written report, the prosecution alleges that the informant had been working as a Branch Manager in Fino Payment Bank Limited for rendering the banking services in remote area. The Bank appointed business correspondents-merchant, who used to play business for operating the Bank. The co-accused Ritik Raj attached with the Bank as customer-merchant. On 31.01.2024, Cash-in-Team of the Bank received various requests for withdrawal of Rs.

54,00,000/- through different customers-merchants. Out of which, in 23 transactions request was made by the co-accused Ritik Raj from different locations, due to which his requests were cancelled. On internal enquiry, co-accused Ritik Raj admitted that he has given his merchant ID and mobile number to different persons for business transaction unauthorizedly. It is also alleged that co-accused Ritik Raj by using his merchant ID has facilitated payment of an amount of Rs.1,96,000/- in favour of the petitioner.

4. Learned counsel for the petitioner contended that the Fino Payment Bank is neither a registered Bank with the Reserve Bank of India nor in this regard any document has been placed at the time of lodging of the FIR. So far the allegation against the co-accused Ritik Raj for payment of an amount of Rs.1,96,000/- in favour of the petitioner is concerned that is without any basis, as the account was opened by the co-accused Ritik Raj in order to facilitate his business and usurping money. The petitioner has nothing to do with the account, in which alleged amount has been deposited. It is further contended that for the same cause of action one another F.I.R. has been instituted besides the present case. Save and except the aforenoted criminal case, which has been instituted for the same

cause of occurrence, the petitioner has absolutely fair antecedent. Moreover, the co-accused Ritik Raj, against whom the entire allegation is revolved around, has been accorded the privilege of bail in Cr. Misc. No. 34621 of 2024 vide order dated 26.07.2024. The petitioner undertakes that he will fully cooperate in the proceeding of the court; now he is in custody since 18.07.2024.

5. On the other hand, learned Advocate for the State opposes the bail application and submits that prima facie it appears that the petitioner is a beneficiary, on whose account Rs.1,96,000/- has been deposited by the co-accused person.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that co-accused Ritik Raj has been accorded the privilege of bail and the petitioner categorically submitted that he has nothing to do with the account in which the transaction has been made, coupled with the undertaking that he will fully cooperate in the proceeding of the court, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bihar Sharif, Nalanda in connection with Cyber P.S. Case No. 12 of 2024,

subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and, in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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