

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80153 of 2024

Arising Out of PS. Case No.-29 Year-2024 Thana- Cyber P.S. District- Sheikhpura

SONU KUMAR S/O LATE AJIT YADAV @ AJEET KUMAR YADAV
Resident of Village- Bhagvanpur Katri Sarai, Police Station- Katri Sarai,
District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 20-11-2024 Heard Mr. Nilendu Kumar Choudhary, learned
counsel for the petitioner and the State.

2. The petitioner is in custody in connection with Sheikhpur Cyber P.S. Case No. 29 of 2024 for the offence punishable under sections 303(2), 318(2), 318(4), 336(3) and 340(2) of the B.N.S. and 66(C) of the IT Act lodged on 16.09.2024.

3. As per the prosecution story, the police upon information that cyber crime persons are regularly withdrawing money from the ATM of Bank of Maharashtra, raided the place, found this petitioner, upon query, failed to give any satisfactory reply and further informed that though he has withdrawn Rs. 1,00,000/- from the ATM machine, the card does not belong to



him. He was taken to the Bank of Maharashtra where it was disclosed by the concerned official that a complaint was there regarding withdrawal and subsequently, it was also found that altogether four complaints are there, number of transactions have been made between 31.08.2024 to 16.09.2024. This led to the FIR after seizure of the mobile as also the motorcycle of the petitioner.

4. Learned counsel for the petitioner submits that contrary to the statement made before the police, the fact remains that the amount belongs to him which was not ascertained.

5. Learned APP, on the other hand, has opposed the prayer submitting that it is not the single case rather number of transactions have taken place and the CCTV footage of all the transactions clearly shows the petitioner going in and coming out with the amount. Further, there is nothing on record at all on the contention of the petitioner that all the withdrawal that was made, the amount belongs to him.

6. Considering the submissions put forward by the parties as also the fact that there has been multiple transactions relating to different accounts of innocent persons, huge withdrawals were made, the petitioner has failed to answer as to



whether all the withdrawals made as has come in the CCTV footage, the amount belongs to him. Further, the role of the officials of the Bank of Maharashtra cannot be ignored inasmuch as despite the online complaint, they failed to stop the transaction which led to financial loss of the innocent customers. They are liable to be investigated and appropriate action should be taken and further the persons whose amount have been withdrawn despite the complaint, they are also liable to be compensated.

7. So far as the present petitioner is concerned, considering the allegation that has come against him, for the present, this Court is not inclined to extend him the privilege of bail, which is accordingly, rejected.

8. Let a copy of the order be sent to the office of the Superintendent of Police, Sheikhpura to look into the role of the officials of the Bank of Maharashtra inasmuch as, as per the record, the complaint was there and even thereafter, the withdrawals took place.

(Rajiv Roy, J)

Vijay Singh/-

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