

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.548 of 2024

Arising Out of PS. Case No.-4 Year-2023 Thana- Cyber P.S. District- Patna

=====

Dinesh Kumar Son of Late Rajo Chaudhary R/o vill - Manpur, P.S. - Giriyak,
Distt. - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner : Mr. Arun Mandal, Advocate
For the State : Mr. Kalyan Shankar, APP

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 21-03-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in a case registered for the
offence punishable under Sections 379 and 420 of the Indian
Penal Code and Sections 66(c) and 66(d) of the I.T. Act.

3. As per prosecution case, on 23.07.2023, informant
came to Patna by train and on platform, due to rush, his mobile
phone was stolen. Thereafter, he submitted a written complaint
to Rail Police Station Patna Junction and thereafter he got
locked his mobile phone sim number and thereafter he again
opened his mobile sim, which was connected to his bank
account. It is further alleged that the informant's bank account is
running with Canara Bank at D.R.M. Office, Danapur, Khagaul.
It is further alleged that even after changing his mobile sim and



without receiving any OTP on his new mobile phone, since 23.07.2023 to 27.07.2023 total amount of Rs. 3,04,307/- was illegally withdrawn and when he came to know about the same on 27.07.2023, the informant closed his bank account.

4. It is submitted by learned counsel appearing on behalf of the petitioner that he has falsely been implicated in this case. Petitioner is not named in the F.I.R., rather his name has transpired during course of investigation, on the basis of confessional statement of co-accused Ravindra Chaudhary, who happens to be brother of the petitioner. Except confessional statement, there is no incriminating material on record to show his complicity in the offence. It is further submitted that from bare perusal of the F.I.R. it is apparent that the informant has given details of transactions of the entire amount of Rs. 3,04,307/- as well as the name of the persons who have fraudulently obtained the alleged amount on various dates but the petitioner's name does not reflect in the chart of the names produced by the informant. Charge sheet has already been submitted and the petitioner is in custody since 21.08.2023.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances



of the case, nature of accusation and period of custody, the prayer for grant bail of to the petitioner is allowed.

7. Accordingly, let the above named petitioner be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Railway, Patna, District- Patna, in connection with Rail Patna Cyber Cell P.S. Case No. 04 of 2023.

(Prabhat Kumar Singh, J)

shashank/-

U		T	
---	--	---	--

