

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85735 of 2023

Arising Out of PS. Case No.-10 Year-2023 Thana- Cyber P.S. District- Banka

Dinesh Yadav Son of Baleshwar Yadav Resident Of Village- Bajara, Police
Station- Belhar, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

4 05-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Cyber
P.S. Case No.10 of 2023 instituted for the offences punishable
under Sections 379, 419 and 420 of the Indian Penal Code and
Sections 66(C) and 66(D) of the I.T. Act.

3. As per the prosecution case, about three months the
informant went to CSP Center at Samukhiya to get e-kyc of
Bihar Gramin Bank account where a person took his finger print
and Adhaar number for e-kyc and on the basis of that finger
print an account has been opened in Fino Payment Bank and on
three dates, total Rs. 22,000/- has been withdrawn which was
given to the informant by Government Scheme. The allegation



against the petitioner is that in the said forged bank account mobile number has been used i.e. 8188833928 which belongs to the petitioner.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He has falsely been implicated in this case. The alleged occurrence took place on 03.09.2023 and F.I.R. has been lodged on 27.09.2023 and no explanation has been given in the F.I.R. regarding delay. Petitioner has got no criminal antecedent.

5. Learned APP for the State has vehemently opposed the prayer for bail.

6. From perusal of the F.I.R. and impugned order dated 31.10.2023, it appears that this is a case of cheating. As submitted by learned counsel for the petitioner, total amount of Rs. 22,000/- cheated by the petitioner and petitioner is in custody since 28.09.2023.

7. Considering the facts and circumstances of the case and submissions of learned counsel for the parties as well as period of custody of the petitioner, this Court is inclined to grant the bail of the petitioner.

8. Let the above named petitioner be released on ***provisional bail*** on 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, Banka/concerned Court, Banka in connection with Cyber P.S. Case No.10 of 2023 with condition that petitioner shall deposit total cheated amount of Rs. 22,000/- within two installments. The bail bond shall be furnished after payment of first installment of Rs. 11,000/- and thereafter the second installment of Rs. 11,000/- shall be paid by the petitioner within two months of furnishing of bail bond before the trial Court and trial court shall release the same in favour of the informant with proper verification and thereafter confirmed the bail bond of the petitioner.

(Ramesh Chand Malviya, J)

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