

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2843 of 2024

Arising Out of PS. Case No.-45 Year-2023 Thana- Cyber P.S. District- Nawada

Vivek Kumar son of Balmukund Prasad resident of Village- Konandpur,
Police Station- Pakribarawan, District-Nawadah.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar, Adv.

For the Opposite Party/s : Mr.Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 07-02-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
Cyber PS Case No. 45 of 2023 dated 16-09-2023, instituted
under Sections 409, 420, 467, 468, 120B of the IPC and Sections
66, 66(B), 66(C) and 66(D) of the IT Act.

3. The prosecution case, in short, is that petitioner along
with other accused persons allured the informant on the pretext of
preparation of Labour card. They called the informant at his mobile
shop near Gandhi Inter School along with Adhar Card, photographs
and they also got her thumb impression for opening account in
‘India Post Payment Bank’ of the Indian Postal Department. They
had also taken all the documents of the informant for preparation of
Labour card and details of her account and misused the same,



leading to lodging of the FIR.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that petitioner is an employee of Postal Department and posted as *Gramin Dak Sevak* (GDS) Rajapur Saur Branch Office, under Kadirganj Sub-Post Office, Dist. Nawadah. It is next submitted that during course of investigation, police sought information and records from the Manager of Indian Post Payment Bank, Nawadah with regard to opening of Account through e-mail, which were provided and on that basis, it has been gathered that from the I.Ds of Vidotma Devi and Pankaj Kumar most of accounts have been opened and in that course some accounts have been opened from the I.D. of the petitioner, due to which the Postal Department has initiated departmental proceeding for finding out the role of the petitioner in the opening of account and has been suspended vide Memo No. A-1/Vivek Kumar/2023, dated 20-09-2023. It is submitted that since there is no direct involvement of the petitioner in the alleged incident and also departmental inquiry is going on, and as such, there is no chance of absconding and tampering the evidence. It is submitted that during course of investigation, on the basis of Call Detail Records (CDR) of mobile phone of co-accused, namely, Mukesh Kumar, Aman Kumar and



Jitendra Kumar, name of one Satendra Kumar also came, who happens to be the husband of one Vidotma Devi, who is an employee of Postal Department and from whose possession certain incriminating articles have been recovered. It is submitted that petitioner has no criminal antecedents, as per statement made in para 3 of the bail petition.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM Nawadah, in Cyber PS Case No. 45 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

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