

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2173 of 2024

Arising Out of PS. Case No.-29 Year-2023 Thana- Cyber P.S. District- Nawada

1. Santosh @ Santosh Kumar Son of Ramchandra Prasad Yadav vill-Pesh, P.S-Nardiganj, Dist-Nawada
2. Manoj @ Manoj Prasad Son of Ram Khelawan Mahto R/o vill-Patwasarai PS-Kadirganj Dist-Nawada
3. Rakesh @ Rakesh Chandra Son of Bhola Prasad R/o vill-Manichak PS-Roh Dist-Nawada
4. Sanjeev Kumar Son of Haridesh Prasad R/o vill-Riwla PS-Atari Dist-Gaya

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bipin Kumar, Advocate
For the Opposite Party/s : Mr. Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 31-01-2024 Heard Mr. Bipin Kumar, learned counsel appearing on behalf of the petitioners and the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Cyber P.S. Case No. 29 of 2023, registered for the offences punishable under Sections 379, 420, 414, 419, 467, 468, 471 and 120(B) of the Indian Penal Code and Sections 66/66(B)/66(C)/66(D) of the I.T. Act.

3. The FIR is based on a written report of the informant, alleging therein, that Rs. 57,900/- have been withdrawn from the account of the informant on different dates,



without her knowledge. Further allegation has been levelled that prior to the said illegal withdrawal, she used to withdraw money from the C.S.P branch of Sonu Kumar, situated near the Gramin Bank.

4. It is submitted on behalf of the petitioners that the name of the petitioners transpired on the confessional statement of one 'Ajay Kumar', from whose possession various incriminating articles have been recovered. However, learned counsel for the petitioners submits that so far the confessional statement made before the police is concerned, the same has got no evidentiary value. He next submits that no incriminating material has been recovered from the whereabouts of the petitioners, moreover, the said 'Ajay Kumar' and one another co-accused 'Ram Pravesh Kumar' have been allowed the privilege of regular bail by learned co-ordinate Bench of this Court in Cr. Misc. No. 76870 of 2023 dated 04.12.2023. Both the co-accused persons have also paid all the illegal withdrawal amount of Rs. 57,900/- to the informant.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that other co-accused persons have been allowed the privilege of regular bail and they have disclosed the name of the petitioners,



regarding their participation.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged illegally withdrawn amount has already been handed over to the informant and the entire case against the petitioners is based upon the confessional statement of co-accused and they are having fair antecedent, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.20,000/- (twenty thousand) **each** with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nawada in connection with Cyber P.S. Case No. 29 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

shivank/-

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

