IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10070 of 2025

Arising Out of PS. Case No.-56 Year-2024 Thana- Cyber P.S. District- East Champaran

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Subham Kumar, aged about 27 years, (M), S/o- Jai Kishor Singh, Resident of Village- Bangra Firoz, PO- Bangra, PS- Baruraj, District-Muzaffarpur

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shekhar Singh, Sr. Advocate
Mr. Yashraj Bardhan, Advocate

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

3 12-05-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner is in custody in a case registered for the offence punishable under Sections 126(2), 115(2), 338, 336(3), 340(2), 352, 3(5) of the Bhartiya Nyaya Sanhit 2023 and 66(c) and 66D IT Act.

3. The prosecution case, in brief, as per the written application of the informant Md. Irshad Ansari, is that he has the Customer Service Centre of Indusland Bank located at Bangra Bazaar Chowk. On 04.09.2024, petitioner Shubham Kumar @ Balaji and co-accused persons Rupam Kumar and Jai Kishore Singh, all residents of Bagra Firoz, Post-Bagra, P.S. Baruraj, District Muzaffarpur came to the informant's customer service

center and petitioner Shubham Kumar told that he wanted to withdraw money, then the informant asked him for his Aadhar card, then he told that Aadhar is not linked to the account, then the informant asked him for ATM card, then petitioner Shubham Kumar told that the ATM card has also expired, then the informant refused to withdraw money from him, then the petitioner said that his mother Neem Kumari is very ill and needs money for her treatment. Thereafter, the petitioner transferred Rs 10,000/- through mobile banking from his Bank of Maharashtra account, whose account member is 60501916878, to the informant's Indusind Bank account, whose account number is 201020103759, through IMPS on 04.09.2024 and Rs 39,200/-through IMPS on 05.09.2024. A total of Rs. 49,200/- was deposited and cash was taken from the informant. It is further alleged that ten days after this incident, the informant was informed through the bank that Rs. 49,200/- sent to the informant's account, which is in the name of Balaji and is in Bank of Maharashtra, was all the money looted through fraud and a case has been registered in Cyber Crime Cell, Kolkata regarding all the money, due to this reason, withdrawal has been restricted on the accounts of informant and on the accounts of all the persons to whom the Rs. 49,200/- sent by the informant has been sent. When the informant met the above mentioned three persons (petitioner and co-accused persons) at their homes and inquired about this matter, all of them refused to talk about it. When the informant said that he would complain to the police, all the people present there started assaulting the informant. Petitioner Shubham Kumar brought a gun from his house and pointed it at the informant and started abusing him. Even the police will not be able to do anything.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. He next submits that petitioner has one criminal antecedent as stated in para-3 of the petition and he is in custody since 22.11.2024.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that petitioner is the veteran criminal and has one criminal antecedent in the same nature of the offence.

6. On perusal of the first information report case diary, criminal antecedent report and impugned order dated 23.12.2024, it appears that the petitioner is the named in the FIR and the petitioner transferred the money to the account of the informant and taken the cash for the same for which the informant to enquire about the matter, then this petitioner and

other co-accused persons assaulted the informant and gave threatening to kill him and his entire family members and the petitioner has one criminal antecedent which is a case of similar nature and the investigation of this case is still going on, so I am not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for bail of the petitioner is rejected at this stage.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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