IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58377 of 2024

Arising Out of PS. Case No.-20 Year-2023 Thana- Cyber P.S. District- Khagaria

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Nilesh Sahu Son of Ramesh Kumar Sahu @ Ramesh Kumar R/O Itarsi Budhi Mate Mandir, Near Shakti Nagar, P.s.- Itarsi ,Dist- Hoshangabad, Narmadapuram, Madhya Pradesh.

... ... Petitioner/s

Versus

The State Of Bihar PATNA

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Bijay Kumar Pandey, Adv.
For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

6 17-01-2025 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Khagaria (Cyber) P.S. Case No. 20 of 2023 dated 14.08.2023 registered for the offences punishable under Sections 419, 420, 379, 467, 468, 471, 120B/34 of the I.P.C. and Section 66D of the I.T. Act.

3. As per the prosecution case, one Jatin Goyal gave a detailed information about 'Alliance Solution Company' (hereinafter referred to as 'ASC') to the informant through phone which is trading in share market and the same is running for about ten years and there are two Head C.E.O. owners, namely, Yashika Bansal and Sher Singh Bakodiya and its compliance Head is one Abhinav Gupta and its Customer Support Head is one Rajesh Kumar. They further assured to give 25.40% monthly return and also assured monthly payment every month. It is further alleged that the said Jatin Goyal through the said Mobile No. 8878396877, sent forged documents and agreement paper in detail to the informant's WhatsApp Mobile No. 8789832487, E.mail I.D. daroliyamanjeet@gmail.com and who also said that he has been in this for about eight years. Further the link of URL-http:#alliance solutions was sent to his mobile and asked for KYC. Thereafter, he made forged agreement paper of the informant and his wife and provided I.D. As1600 of the informant and As1639 of his wife and also shared account details of 'AS' as 'Alliance Solution, H.D.F.C. Bank Ltd., Current A/C No. 50200068685552-IFSC Code-HDFC0003694, Nehru Nagar Branch, Bhopal'. He further disclosed that its Head Office is at Bangalore, 6/6 Hosur Road, Kudlu Gate, Krishna Reddy Industrial Area, H.S.R. Extension, Bengalaru, Karnataka-560068 and its office is also at Bhopal, 327/8, M.P. Nagar, Zone-2, Near-City Hospital, Bhopal, Madhya Pradesh-460023 which is completely forged. It is further alleged that the informant transferred money in the A/C No. 5020006868552 of the 'AS', total amount of Rs.

53,50,000/- on different dates and different Banks was sent from his bank account and his wife's bank account. Thereafter, as per agreement, amount of monthly payout was sent by 'AS' through his Alliance Solution A/C No. 502000686855 and total amount of Rs. 5,83,480/- was received on different dates in the bank account of the informant and his wife. It is further alleged that the informant used to talk on mobile phones with Jatin Goyal, Azad Tiwari, Bhaskar Kumar, Alliance Solution Customer Support, Rakesh Kumar, Krishna Mohanti. It is further alleged that in the month of January, the informant went to Bhopal and tried to search the office of the 'AS' but it was never found and when he tried to meet him then Krishna refused to meet on the pretext of illness and thereafter the informant again went to Bangalore and tried to search the office of 'AS' but no where it was found since as the said 'AS' was forged and fake. It is further alleged that the informant used to talk through WhatsApp, Chat and Message but always it was said that 'AS' is going on loss, hence, he is not sending the amount of monthly payout. Thus the 'Alliance Solution Company' committed fraud with the informant.

4. Learned senior counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the F.I.R. The name of the petitioner has sprung up in the confessional statement of the co-accused, Divya Pandey. The charge-sheet has already been submitted against the petitioner. The petitioner is neither cheated the informant nor took a single rupees from him, nor entered any agreement with him, nor committed any conspiracy with him. Learned counsel has further submitted that the petitioner's brother Yogesh Sahu has made transaction and deposited the total amount of Rs. 4.5 lakh in different dates in the account of the petitioner. Furthermore, no recovery was made from the petitioner. It is further submitted that the petitioner has no concern with the alleged offence. The petitioner has no criminal antecedent as stated in paragraph no. 3 of the bail petition. The petitioner is in custody since 29.02.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner and submitted that the petitioner and the co-accused persons opened fake bank account in the name of the the co-accused, Sher Singh Bakodiya in the bank and cheated several persons. It is further submitted that in sub-clause 3 of the case diary, it is mentioned that the petitioner has an account number in AU Small Finance Bank Ltd. The Rs.

4,57,000/- in different dates has been deposited in the account of the petitioner which is evident from the para 236 of the case diary.

6. Considering the aforesaid facts and circumstances of the case as well as the gravity of offence and the materials available on the record, this Court is not inclined to grant bail to the petitioner and the same is rejected in connection with Khagaria (Cyber) P.S. Case No. 20 of 2023, pending in the court of learned Chief Judicial Magistrate, Khagaria.

7. The application stands rejected.

(Chandra Prakash Singh, J)

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