**IN THE HIGH COURT OF JUDICATURE AT PATNA**
**CRIMINAL MISCELLANEOUS No.73019 of 2024**

Arising Out of PS. Case No.-55 Year-2024 Thana- Cyber P.S. District- Nalanda

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Ashish kumar @ Vipul S/O Umesh Paswan R/O Village- Daruara, Beldaripar, P.S- Noorsarai, Distt.- Nalanda.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Devendra Kumar Sinha, Sr. Advocate<br>Mr. Pramod Kumar Sinha, Advocate |
| For the Opposite Party/s | : | Mr. Md. Fahimuddin, APP |

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**CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY**

ORAL ORDER

5 28-01-2025 Heard learned counsel for the petitioner and Mr. Md. Fahimuddin, learned APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 406, 420 and 120B of the Indian Penal Code and Section 66D of the IT Act.

3. The case of the prosecution is that the informant is running a cyber cafe in the name of Common Service Centre and from his cafe, he transfers money through Aadhar and UPI. On 12.04.2024 at about 06:46 pm, the customer arrived at his shop and told that through phone pay and QR scanner you will get the money and the informant will have to pay the cash. The informant told that he is not having that much of cash at that

time, then that person told that he can have the cash tomorrow as well. After that, the transaction was made of Rs. 50,499/- which was received on Phone Pay by the informant. Next day the person came and took the cash. It is also alleged that after ten days, his account was freezed on the allegation of cyber fraud. The bank account was hold/freezed from West-Bengal, Asansol, Durgapur Police Commissionerate, Durgapur. He also came to know that on 24.04.2024, the Maharashtra Police has also made a complaint against him and his account was freezed. It is also alleged that on 13.06.2024 same person arrived at his establishment and again demanded cash on the pretext of getting money through Phone Pay and QR Code. It is further alleged that Rs. 41,500/- was sent on the Phone Pay of the informant and he again transferred Rs. 5,000/- to someone. The account was to be sent to Jai Mata Di Mobile Care.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. He has got no criminal antecedent. It is also submitted that from perusal of the FIR, it is clear that the account of informant was freezed on the allegation of cyber fraud. During course of investigation, the petitioner has given his confessional statement and in his confessional

statement, he has stated that he is indulged in cyber fraud and he gets commission out of that. He has not admitted anything regarding the present offence. Rs. 43,000/- has been recovered from the possession of the petitioner but it cannot be said that the said amount is of this offence. It is further submitted that the petitioner is languishing in judicial custody since 14.06.2024.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Nalanda Cyber P.S. Case No. 55 of 2024 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Biharsharif.

**(Ashok Kumar Pandey, J)**

Sudhanshu/-

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