

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82865 of 2024

Arising Out of PS. Case No.-11 Year-2023 Thana- Cyber P.S. District- Gopalganj

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Ankit Kumar Singh @ Ankit Kumar Son of Badashah Pandit Resident of
village- Kalyanpur madhubani PS- Sidhwalia District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 83101 of 2024

Arising Out of PS. Case No.-11 Year-2023 Thana- Cyber P.S. District- Gopalganj

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Akash Chauhan S/o- Nagendra Chauhan @ Nagendra Mahto Resident of
village- Kalyanpur Madhubani PS- Sidhwalia District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :
(In CRIMINAL MISCELLANEOUS No. 82865 of 2024)
For the Petitioner/s : Mr. Pankaj Kumar Dubey, Adv.
For the Opposite Party/s : Mr. Ashok Kumar Singh, APP
(In CRIMINAL MISCELLANEOUS No. 83101 of 2024)
For the Petitioner/s : Mr. Pankaj Kumar Dubey, Adv.
For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 10-01-2025 Since both the applications arise out of Gopalganj

Cyber P.S. Case No. 11 of 2023, as such, they have been taken

up together and are being disposed of by this common order.

02. Heard learned counsel for the petitioners and

learned APP for the State.

03. In this present case, the petitioners are



apprehending their arrest in connection with Gopalganj Cyber P.S. Case No. 11 of 2023 registered for the alleged offences under Sections 420 and 406 of the Indian Penal Code and Sections 66 (C), 66(D) of the I.T. Act.

04. As per prosecution case, account of the petrol pump of the informant was kept on hold at the request of Gujarat Police since proceeds of a cyber fraud amounting to Rs. 22,000/- was deposited into the account of the informant by the co-accused Piyush Kumar Singh. The informant used to deposit money from the proceeds of sale with a C.S.P. who used to transfer the same in the account of the informant. The Manager of the CSP named the petitioners and co-accused on account of their suspicious activities who might be involved in making transaction through the account of the informant.

05. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. From the FIR, it is evident that CSP operator, Sunny Kumar, might be involved as he was the person who used to transfer the money in the account of the informant and the petitioners have nothing to do with the account of the informant. There is no allegation that any money was transferred into the accounts of the petitioners from the account of the informant



and hence no offence under Sections 406 and 420 of the IPC is made out against the petitioners. Even the money, which was transferred into the account of the informant on account of which the account of the informant was put on hold, has been returned to the account of original holder. However, the petitioners have nothing to do with whole transaction. Similarly situated co-accused persons have been granted anticipatory bail by this Court vide order dated 12.07.2024 passed in Criminal Misc. Nos. 40546 of 2024 and 42861 of 2024. The petitioners are having clean antecedent.

06. Learned APP for the State opposes the prayer for anticipatory bail.

07. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the lack of substantive material against the petitioners to connect the with the offences as alleged and further considering the probability of false accusation, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial



Magistrate, Gopalganj/concerned court in connection with Gopalganj Cyber P.S. Case No. 11 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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