IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29924 of 2019

Arising Out of PS. Case No.-36 Year-2011 Thana- BARAUNI District- Begusarai

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SUNIL KUMAR MISHRA @ SUNIL MISHRA Son of Maheshwar Mishra Resident of Near Railway Line Bagan Road, P.O. and P.S.- Binod Nagar Hirapur, District- Dhanbad- Jharkhand.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Satrudhan Kumar
For the Opposite Party/s : Mr.Ajay Kumar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

4 14-08-2019 The petitioner apprehends his arrest in connection with Barauni FCI P.S.Case No. 36 of 2011 registered under Sections 406, 420, 467, 468, 471 and 120B of the Indian Penal Code

Allegation against the petitioner, as per FIR, is that informant got a call on her mobile that she has won a lottery of Rs. 25 lacs in her name by Italian Company and if she would deposit a sum of Rs. 15,000/- in account No. 20068259638, prize amount would be given to the informant. On this assurance, informant deposited Rs. 15,000/- in the account at Bihat Chandni Chawk Branch of S.B.I. Thereafter, informant got another phone call that cheque of the informant was ready and was instructed to talk on mobile No. 00923007979933 and when she talked on that mobile, she was asked to deposit Rs.

50,000/- as income tax @ 2000/- per lacs. On that instruction, informant deposited Rs. 50,000/- in account no. 20068259638 and account no. 11049201961. The caller also informed the informant that company would provide her also a vehicle value of Rs. 32 lacs including Rs. 25 lacs cash and for this, she had to talk with one Akash Verma, Director of the Company. Relying upon this information, the informant talked to Akash Verma who told the informant to deposit Rs. 25,000/- immediately in the account No. 20068259638. It has further been alleged that Akash Verma again demanded Rs. 50,000/- and in this way the informant has been induced to pay a total amount of Rs. 1,40,000/- through fraudulent phone call by accused persons.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence and he has falsely been implicated in this case. Learned counsel further submits that no material has come against the petitioner to connect with this offence inasmuch as a sum of Rs. 25,000/- was deposited in account No. 11049201961 belonging to son-in-law of the petitioner and no money has been deposited in the account of the petitioner.

On the other hand, learned counsel for the State vehemently opposes the prayer for anticipatory bail and submits that it was well knit conspiracy to dupe innocent people by making fake phone calls and petitioner along with others duped huge amount from the informant on the false assurance of providing prize money won by her in a draw of lottery held by Italian Company. Learned counsel further, relying upon the case diary, submits that statement of son-in-law of the petitioner, namely, Birendra Kumar, was recorded by the police during investigation, who disclosed that he had provided his account number to the petitioner, who happens to be his father-in-law.

After having heard learned counsel for the parties and taking into consideration the fact that petitioner is father-in-law of one Birendra Kumar and in whose account number, a sum of Rs. 25,000/- has been transferred at the behest of the petitioner and the said Birendra Kumar has disclosed the name of petitioner on whose instruction he had provided account number in which the informant had deposited a sum of Rs. 25,000/-, as such I am not inclined to grant privilege of anticipatory bail to the petitioner. Accordingly, prayer for anticipatory bail to the petitioner is rejected.

(Anil Kumar Sinha, J)

sujit/-

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