

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35847 of 2019

Arising Out of PS. Case No.-554 Year-2018 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Manish Kumar @ Manish Kumar Sah, Son of Upendra Prasad Sah, Resident
of Village - Hajipur Bhitha, P.S.- Sahebganj Muffasil, Distt - Sahebganj
(Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate
For the Opposite Party/s : Mr. Uday Chand Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 13-09-2019 This is an application for grant of anticipatory bail in

connection with Kotwali (Jogsar) P. S. Case No.554 of 2018,

disclosing offences under Sections 406 and 420 of IPC.

As per F.I.R. allegation is that informant and his daughters have accounts in the State Bank of India, Main Branch Bhagalpur and he received a phone call from Mobile No. 917431800941, 9128296150 purported to be made by Manager of SBI that his ATM was closed and he is sending new ATM and enquired about his account number and ATM number and considering the same as genuine, he has given the account number and ATM number. In the night at about 10:30 P.M. it appears that huge amount was withdrawn with his account as well as accounts of his daughters and when he updated the account, he came to know that the same has been transferred in



the name of INB Spice Digital Ltd. account No. 599327162095 and INB Spice Digital Ltd. Account No. 599325162097. As such, the present F.I.R. has been lodged. Initially, the F.I.R. has been lodged against unknown giving the two mobile numbers.

In this case, case diary was called for. During investigation it appears that the name of Sintu Kumar, Kundan Kumar Dass and others transpires, which appear from Para 38 and Para 42 disclosed that the some amount has been transferred to their account. Investigation further disclosed that police on the information supplied by the Pintu Kumar, raided the house of Agam Baranwal and mobiles numbers were seized from him and he disclosed the name of the petitioner and his address, who is the main culprits in this case, which appears from Para 65. Para 78 disclosed the house of the petitioner was raided and Laptop, mobile and Rs.1,26,000/- (500 x 252) cash were recovered. The confessional statements of Sintu Kumar and Agam Baranwal and Dipak Kumar Shah have been recorded that their confessional statements shows that petitioner is the King Ping the Cyber crime. Dipak Kumar Shah is the next brother of the petitioner and he has disclosed that he helped his brother i.e. petitioner in the cyber crime and also admitted that police has recovered a Laptop of Dell company and mobile and



cash of Rs.1,26,000/- from their house.

Submission of the learned counsel for the petitioner is that petitioner has been falsely implicated in this case. Further, drawing my attention towards Annexure 2. It has been submitted that the amount has already been returned to the informant and a compromise petition has been filed before the court below and the informant in the case against other accused persons have deposed the same that he has received amount by three bank drafts and he has filed a compromise petition. It has further been submitted that except the confessional statement of the co-accused, there is nothing against the petitioner.

Heard learned A.P.P. also, who has opposed the prayer for anticipatory bail of the petitioner.

Having heard both sides, considering the submissions and the materials available on the record, it appears that there are materials against the petitioner. Moreover, he is still evading the arrest and even though the amount has been given to the informant and he has compromised the case, but the present case is the case related to the cyber crime based on documents and the materials available on the record disclosed that the interrogation of petitioner will throw light on the above cyber crime, which is prevalent now- a- days.



In view of the facts, as stated above, I am not inclined to grant privilege of anticipatory bail to the petitioner. He is directed to surrender before the learned court below and make prayer for regular bail.

With the aforesaid, this application is dismissed.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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