IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7245 of 2021

Arising Out of PS. Case No.-319 Year-2018 Thana- PATLIPUTRA District- Patna

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LALDITSAK @ LALDISTAK @ LALTISAK SON OF THANGSANGVUNG RESIDENT OF KANGRENGDOR KANGRENG NGAPHABUNG, P.S.- PARBUNG, DISTRICT- CHURACHANDPUR, STATE- MANIPUR

... ... Petitioner/s

Versus

THE STATE OF BIHAR

... ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rashid Zafar, Adv.

For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

2 03-02-2021 Heard both sides.

Petitioner seeks bail in Patliputra P.S. Case No.319 of 2018 registered under Sections 420, 379 of the IPC and under Section 66(C) of the I.T. Act.

Learned counsel for the petitioner submits that the prayer for bail of the petitioner was earlier rejected vide order dated 15.06.2020 passed in Cr.Misc.No.78240 of 2019 but another accused, namely, Nnaemeka Augustine @ Odikpo has already been granted bail vide order dated 26.06.2020 passed in Cr.Misc.No.74204 of 2019 and, therefore, the petitioner again filed this petition for grant of bail.

The informant alleged that she received SMS and

E-mail that she would get 85,000 pound for which she had to pay Rs.27,000/-. The informant deposited Rs.27,000/- on 04.05.2018. On 05.05.2018 she deposited Rs.35,000/-. The unknown caller persuaded the informant to deposit the amount to different accounts but she did not receive assured amount of 85,000 pound. The informant deposited Rs.84,56,645/- in different accounts as disclosed by the caller. The informant again received SMS and E-mail but she got belief that the callers are cheater and, accordingly, she gave information to the police. During the course of investigation, the Investigating Officer traced out the different mobile numbers from which the calls were made to the informant. The informant deposited Rs.84,56,645/- in 30 accounts as enumerated in para 30 of the case-diary.

Learned counsel for the petitioner submits that the petitioner did not persuade any person to deposit any amount in his account whereas the co-accused has been granted bail, who persuaded different persons to deposit amount in different accounts. The case of the petitioner stands on better footing but it appears that the petitioner is an active member of a gang of cyber crime, who used to allure the informant and others and persuaded them to deposit money in different accounts. The other members of a gang of cyber crime also furnished the account number of the petitioner and from A.T.M. Cards of the petitioner, 75 transactions were made and money was withdrawn from the account of the petitioner. The investigation reveals that the members of a gang of cyber crime made fraudulent transactions from the accounts of different persons. Therefore, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

The trial court is directed to hold the trial on day to day basis and conclude the same within six months from the date of receipt of this order.

The S.S.P., Patna is directed to ensure the attendance of prosecution witnesses in the trial court so that the trial must be concluded within six months.

Let a copy of this order be sent to the trial court as well as the S.S.P., Patna for information and needful.

(Prabhat Kumar Jha, J)

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