

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54049 of 2021

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

Nazrul @ Najirullah @ Samirullah @ Babla @ Ballu @ Bablu @ Sashiullah
@ Sami Ahmad, Son of Waliullahbir @ Balliullah Resident of house no. 43,
Gali no. 66, Mahabir Enclave, Part No. 02, Near Masjid, P.S.- Dabri, District -
New Delhi

... .. Petitioner/s

Versus

1. The State of Bihar
2. Economic Offence Unit Bihar at Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Md. Ataul Haque, Advocate
For the State	:	Mr. Rajendra Pd. Nat, APP
For the EOU	:	Mr. V.N.P Sinha, Sr. Advocate
		Mr. Vijay Anand, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

8 20-09-2022 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the Economic Offences
Unit.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks from the date of
resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in
connection with Patliputra P.S. Case No. 319 of 2018, registered
for the alleged offences under Sections 420, 379, 467, 468, 469,
471, 472, 411, 419, 120 (B)/34 of the Indian Penal Code and
Section 66 (C) of I.T. Act.



As per the prosecution case, unknown miscreants cheated the informant Rs.84,56,645/- on pretext that she was to get Rs.85000 pounds.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. There is no material collected during investigation against the petitioner. There is no transaction of money from the account of this petitioner and no SMS was sent from his mobile phone. The learned counsel further submits that the petitioner has been made accused in this case during the investigation and though it has been stated that he operated three accounts, but it has nowhere been recorded that these accounts belong to him. The learned counsel further submits that the offence in which the petitioner has been charged carries maximum punishment of 10 years and the petitioner has remained in custody since 16.01.2019 and has spent more than three and half years in custody. The co-accused Nnaemeka Augustine @ Odikpo has been granted bail vide order dated 26.06.2020 passed in Cr. Misc. No. 74204 of 2019.

Learned senior counsel appearing on behalf of Economic Offences Unit vehemently opposes the submission made on behalf of the petitioner. A counter affidavit has been



filed on behalf of Economic Offences Unit wherein it has been specifically mentioned that in three bank accounts of different banks, a total sum of Rs.12,52,345/- has been transferred by the informant for which there is no explanation. It has further been mentioned that the petitioner is accused in seven other cases and has been convicted in two such cases. The learned senior counsel further submits that the petitioner is a part of a gang of cyber criminals. Lastly, learned senior counsel submits that it is a case where cheating of huge amount has taken place and large amount went into the account of this petitioner.

Perused the records.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the nature of allegation against the petitioner which is quite serious and it has been shown that more than Rs.12 lacs has been credited in the account of this petitioner for which there is no explanation and the case of the petitioner is on different footing from the co-accused who has been granted bail as no money was transferred to the account of that co-accused, so there is no claim of parity, I am not inclined to enlarge the petitioner on bail.

Accordingly, his prayer for bail is rejected.



However, learned trial court is directed to expedite the trial and conclude the same within six months.

If the trial is not concluded within the aforesaid six months, the petitioner may renew his prayer for bail.

(Arun Kumar Jha, J)

V.K.Pandey/-

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