

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26302 of 2022

Arising Out of PS. Case No.-289 Year-2021 Thana- CHAPRA TOWN District- Saran

Md. Zafar Ekbal @ Md Zafar Iqubal, S/o Md. Amiruddin, R/o Village-Ansar
Colony, Kolhua Paigamberpur, P.S.- Ahiyarpur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar, Advocate

For the Opposite Party/s : Mr.Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

10 10-02-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Chapra Town P.S. Case No.289 of 2021 instituted for the offence punishable under Sections 419, 420, 467, 468 and 120B of the Indian Penal Code.

On 24.05.2021, the informant received an SMS alert on his Mobile No.7488441717 regarding generation of an alternative Mobile No.8578942537 for his salary account maintained in the Bank. The informant complained to the Branch Manager that he had not registered for any such requests, when he was assured that his original mobile number would be activated within 48 hours.

On 26.05.2021, he discovered that an amount of Rs.14,55,000/- has been withdrawn from his account and transferred to the account of one Rajesh Manna of Kolkata maintained in another Bank.

Learned counsel for the petitioner submits that the



petitioner is not named in the FIR. He was arrested in connection with Muzffarpur Town P.S. Case No.487 of 2021, from there he has been remanded in this case on suspicion only. The recovery of mobile phones has been attributed to the petitioner in course of investigation, even though it has not been recovered from his possession. The petitioner is not beneficiary of the alleged transfer effected from the informant's account. The petitioner is stated to be in custody in connection with this case since 01.12.2021.

Learned APP has opposed the prayer for bail. He has referred to the material in the course of investigation to submit that when the Call Detail Report (CDR) of the informant was obtained for the relevant period, it was found that his SIM was hacked/cloned and was found to be used in between 24.05.2021 and 26.05.2021 in mobile numbers having four different IMEI numbers. Two of these IMEI numbers was belonging to mobile phones recovered from a bag belonging to the petitioner in the vehicle from which petitioner was arrested. Several Aadhar cards standing in the names of other persons have also been recovered, wherein the petitioner's photographs have been affixed. Substantial cash, about Rs.8 lacs, has been recovered from the petitioner, apart from POS (Point of Sale) swipe machine of ICICI Bank and several pass-books. The material in the investigation clearly suggests that the petitioner is indulging in fraudulent activities by cloning/hacking mobile phones and forging identity cards on a large scale. Till date, even charges have not been framed in the case. Petitioner is also having criminal antecedents (four in number), as per disclosure made in paragraph 3 of the bail petition.

Considering the rival submissions, the nature of



accusations and material in course of inquiry, which has been brought to the notice of this Court by the learned APP so as to suggest organized economic crime largely affecting the general public as also the fact that even charges have not been framed, this Court is not inclined, for the present, to allow the petitioner, privilege of bail. The prayer for bail is rejected, for the present.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

PNM

U		T	
---	--	---	--

