

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38695 of 2024

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

Md Zafar Ekbal @ Md Zafar Iqbal @ Jafar Eqbal Son of Late Md. Amiruddin Resident of Village - Ansar Colony Kolhua Paigamberpur Bairiya, P.S.- Ahiyapur, 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. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 26-07-2024 Heard learned counsel for the petitioner and learned APP for the State.

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

3. The prosecution case, in short, is that, on 24.05.2021, the informant received an SMS alert on his mobile regarding generation of alternative mobile number 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 On 26.05.2021, he discovered that an amount of Rs. 14,55,000/- has been withdrawn from his account and transferred to the account of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.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner further submitted that the petitioner is not named in the F.I.R. He was arrested in connection with Muzaffarpur 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 in custody since 01.12.2021 and has got four criminal antecedents.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned APP for the State 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 belong to mobile phones recovered from a bag belonging to the petitioner in the vehicle from which petitioner was arrested. Substantial cash, about Rs. 8 lakhs, has been recovered from the petitioner.

6. A report has been called for about the present stage of trial and the time frame in which the trial is likely to be concluded. As per report, one prosecution witness has been examined and it has been reported that if the prosecution co-operates, the trial may be completed within 45 days.

7. Considering the aforesaid facts and circumstances the nature of accusations and material recovered in course of investigation, this Court is not inclined to grant bail to the petitioner.

8. The prayer is rejected. The Trial Court is directed to expedite the trial expeditiously. However, if the trial is not concluded within a period of sixty days from the date of receipt/production, the petitioner will have liberty to renew his prayer for bail in the Court below.

(Rudra Prakash Mishra, J)

Rajorshi/-

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

