

IN THE HIGH COURT OF JHARKHAND AT RANCHI

A.B.A. No. 3885 of 2022

1. Abhishek Kumar @ Abhishek Kumar Mandal

2. Nitish Kumar

.... ... Petitioners

Versus

The State of Jharkhand

.... ... Opp. Party

CORAM : HON'BLE MR. JUSTICE SUBHASH CHAND

For the Petitioners : Mr. Om Prakash Singh, Advocate

For the State : Mr. Shailendra Kumar Tiwari, A.P.P.

09/ 01.09.2022 Heard learned counsel for the applicants and the learned A.P.P. for the State.

This anticipatory bail application has been filed on behalf of the above-named applicants seeking anticipatory bail in connection with Sadar P.S. Case No. 68 of 2018, registered under Sections 420 of the Indian Penal Code and Section 66 (C) (D) of the Information Technology Act, 2000, pending in the court of the C.J.M., Chatra.

Learned Counsel for the applicants has submitted that the F.I.R. of this case was lodged against bearer of Mobile No. 8579973257 and unknown persons with these allegations that the informant received phone call over her mobile phone on 23.02.2018 and she was asked that the caller belongs to the Head Office of Bank and he asked to link A.T.M. card and Adhar number to her account. Accordingly, informant told Adhar number and A.T.M. number over phone. Thereafter in nine transactions total amount of Rs. 99,989/- was withdrawn from her account.

Learned Counsel for the applicants has submitted that the applicants have been falsely implicated in this case. They have no link with the alleged mobile No. 8579973257 and there is no cogent evidence against the applicants to commit the alleged offence. The applicants are ready to abide all the conditions laid down by the court while enlarging on bail. They would not flee from justice.

Learned A.P.P. appearing on behalf of the State vehemently opposed the contentions made by the learned counsel for the applicants and contended that certainly mobile number from which call was received by the informant does not belong to the applicants but during investigation it came to know that one laptop and mobile phone was received at the maternal grandfather's house of the applicants. It also transpired that A.T.M. card of the informant was used in that transaction.

In view of the submissions made and the materials on record, no case of anticipatory bail is made out against the applicants. Hence the same is hereby rejected.

(Subhash Chand, J.)