

IN THE HIGH COURT OF JHARKHAND AT RANCHI
B.A. No. 8615 of 2022

1. Ashok Yadav
2. Chhotelal Yadav

.... ... Petitioners

Versus

The State of Jharkhand

.... Opp. Party

CORAM : HON'BLE MR. JUSTICE SUBHASH CHAND

For the Petitioners : Mr. Ankit Kumar, Advocate
For the State : Mrs. Vandana Bharti, A.P.P.

03/ 19.09.2022 Heard learned counsel for the applicants and the learned A.P.P. for the State.

This bail application has been filed on behalf of the applicants—(1) Ashok Yadav and (2) Chhotelal Yadav with prayer to release on bail in connection with Deoghar (Cyber) P.S. Case No. 42 of 2022, registered under Sections 419/420/467/468/471 and 120B of the Indian Penal Code and Sections 66 (B), 66 (C), 66 (D), and 84 (C) of the Information & Technology Act, pending in the court of the Additional Sessions Judge-II cum Special Judge, Deoghar.

Learned counsel for the applicants has submitted that the F.I.R. of this case was lodged against two named accused, who are applicants in this Bail Application, with these allegations that the informant police officer while on duty apprehended motorcycle borne two persons. One was identified as Chhotelal Yadav and another was identified as Ashok Yadav. Both on interrogation told that they were cybercriminal and were involved in committing cybercrime by duping the the people by impersonating as customer care officials and by providing them the benefit of Kisan Samman Nidhi.

Learned Counsel for the applicant has submitted that in the whole F.I.R. nothing is shown against whom cybercrime was committed by the applicants. While apprehending the applicant-accused, mobile phones are alleged to be recovered from possession of the applicants. During investigation, it transpired that one victim Rashmi Kumari had alleged that she was duped by Rs. 36,420/- by the mobile No. 9297575041 and the said mobile number was recovered from the possession of the applicants.

Learned Counsel for the applicants has further submitted that the alleged mobile number is not shown in the F.I.R. whether the same was recovered from possession of the applicants. Victim Rashmi Kumari was never duped by the applicants as alleged. There is no such cogent evidence to show their complicity in commission of the alleged offence. The applicants have been languishing in Jail since 16.06.2022.

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 mobile

phone was recovered from the possession of the applicant. In the camera of the same screen shot of the debit card and the O.T.P. were received which show his complicity in commission of the alleged offence.

In view of the submission made and materials on record, the bail application of the applicant is hereby allowed. Let the applicant be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the court concerned in aforesaid case.

(Subhash Chand, J.)

P.K.S.