

# Krishna Kumar Yadav @ Krishna Yadav vs The State Of Jharkhand ..... Opposite ... on 3 November, 2020

**Author: Kailash Prasad Deo**

**Bench: Kailash Prasad Deo**

IN THE HIGH COURT OF JHARKHAND AT RANCHI  
[CRIMINAL MISCELLANEOUS JURISDICTION]  
B.A. No. 5895 of 2020

Krishna Kumar Yadav @ Krishna Yadav	.....	Petitioners
Versus		
The State of Jharkhand	.....	Opposite
With		
B.A. No. 5878 of 2020		
Raju Mandal	.....	Petitioners
Versus		
The State of Jharkhand	.....	Opposite
With		
B.A. No. 7078 of 2020		
Dinesh Kumar Mandal @ Dinesh Kumar	.....	Petitioners
Versus		
The State of Jharkhand	.....	Opposite

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CORAM: HON'BLE MR. JUSTICE KAILASH PRASAD DEO (Through : Video Conferencing)

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For the Petitioners : Mrs. J. Mazumdar, Advocate Mr. Ankit Kumar, Advocate (In B.A. Nos.5895 of 2020 & 7078 of 2020) Mr. R.S. Mazumdar, Sr. Advocate Mr. Rohan Mazumdar, Advocate (In B.A. No.5878 of 2020) For the State : Mr. Shailendra Kumar Tiwari, A.P.P

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03/Dated: 03/11/2020:

All the aforesaid bail applications are being heard together and disposed of by a common order as these bail applications are arising out of Deoghar Cyber P.S. Case No.26 of 2020, for the offence registered under Sections 419, 420, 467, 468, 471, 120(B), 34 IPC and Sections 66(B), 66(C), 66(D) and 84(C) of the Information Technology Act.

Learned Sr. counsel for the petitioner and learned counsel for the petitioners have given undertaking to comply the previous order with regard to removal of the defect(s).

Heard, learned counsel, Mrs. J. Mazumdar assisted by learned counsel for the petitioner, Mr. Ankit Kumar and learned counsel for the State, Mr. Shailendra Kumar Tiwari.

Learned counsel for the petitioner has submitted that petitioner has falsely been implicated in this case. It is alleged that 8 mobile phones, 44 A.T.M. Cards and Debit Cards, several sims, Passbook and cash of Rs.40,000/- have been recovered from the possession of the petitioner. Apart from that 21 blank A.T.M. Cards and a A.T.M. cloning machine.

Learned counsel for the petitioner has further submitted that petitioner has been falsely implicated in this case by taking signature under duress on blank sheet.

Learned counsel for the petitioner has further submitted that petitioner has been subsequently remanded in two cases, one i.e. Deoghar Cyber P.S. Case No.25 of 2020 and special cell Delhi P.S. Case No.113 of 2020 after his arrest in the present case on 16.05.2020. However, petitioner has not been charge- sheeted in Deoghar Cyber P.S. Case No.25 of 2020, as such, petitioner may be enlarged on bail.

Learned counsel for the State appearing for the Cyber Crime has submitted that apart from such huge number of incriminating articles recovered from the possession of petitioner, the Police has also recorded the statement of several persons who have been cheated by this petitioner as their money has been transferred by e-wallet. Statement of the victim, Sarad Bhoir in para 145 of the case-diary has alleged that amount of Rs.2,37,000/- has been cheated by this petitioner for which he has lodged an FIR vide Wada P.S. Case No.0343 of 2019.

Learned counsel for the State appearing for the Cyber Crime has further submitted that in the statement of another victim, Virendra Kumar in Para-146 of the case diary it has been alleged that this petitioner has cheated him with amount of Rs.15,000/-.

Learned counsel for the State appearing for the Cyber Crime has thus, submitted that he has filed counter-affidavit alleging specifically at Paras 7, 8, 9, 12, 13, 14, 15 and 16 of the counter-affidavit, as such, this petitioner may not be enlarged on bail.

Considering rival submissions of the parties and looking into the facts and circumstances of the case as there is ample material against the petitioner with regard to incriminating articles recovered from the possession of the petitioner and considering involvement of the petitioner in cheating the victim whose statement has been recorded in different paras of the case diary, this Court is not inclined to grant

bail to the petitioner.

Accordingly, the prayer for bail of the petitioner is hereby rejected. The learned trial court is directed to expedite the trial.

B.A. No. 5878 of 2020.

Heard, learned Senior counsel, Mr. R. S. Mazumdar assisted by learned counsel for the petitioner, Mr. Rohan Mazumdar and learned counsel for the State, Mr. Shailendra Kumar Tiwari.

Learned counsel for the petitioner has submitted that petitioner has falsely been implicated in this case. It is alleged that 6 mobile phones, one SBI A.T.M. Card and One ATM Card of ICICI Bank of his brother along with cash of Rs.60,000/- have been recovered from the possession of the petitioner. Learned counsel for the petitioner has further submitted that petitioner has been made accused earlier in the year 2014 in a forest case and has been remanded in this case without any legal material, as such, petitioner who is in custody since 16.05.2020, may be enlarged on bail.

Learned counsel for the State appearing for the Cyber Crime has submitted that apart from huge number of incriminating articles recovered from the possession of petitioner, the Police has also recorded the statement of several persons who have been cheated by this petitioner as their money has been transferred by e-wallet. Statement of victim, Vijay Kumar Mehta recorded at Para-148 of the case-diary, who has been cheated with amount of Rs.20,000/-. Statement of the victim-Viloria Mahesh recorded at Para-149 of the case diary, who has been cheated with amount of Rs.16,000/- and statement of the victim, Hitesh of Gujarat recorded at Para-150 of the case diary, who has been cheated with amount of Rs.34,000/-

Learned counsel for the State appearing for the Cyber Crime has thus, submitted that he has filed counter-affidavit alleging specifically at Paras 7, 8, 9, 10, 13 and 14 of the counter-affidavit, as such, this petitioner may not be enlarged on bail.

Learned counsel for the State appearing for the Cyber Crime has further submitted that Para-12 of the counter-affidavit has wrongly been mentioned which may be deleted.

Permission is accorded.

Considering rival submissions of the parties and looking into the facts and circumstances of the case as there is ample material against the petitioner with regard to incriminating articles recovered from the possession of the petitioner and considering involvement of the petitioner in cheating the victim whose statement has

been recorded in different paras of the case diary, this Court is not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner is hereby rejected. The learned trial court is directed to expedite the trial.

Heard, learned counsel, Mrs. J. Mazumdar assisted by learned counsel for the petitioner, Mr. Ankit Kumar and learned counsel for the State, Mr. Shailendra Kumar Tiwari.

Learned counsel for the petitioner has submitted petitioner has one criminal antecedent in which he has been granted bail and from possession of the petitioner, one mobile phone, five A.T.M. Cards, one PAN Card and one JIO Sim have been recovered from the possession of the petitioner and because of one criminal antecedent, the petitioner has falsely been implicated in this case.

Learned counsel for the petitioner has further submitted that petitioner who is in custody since 16.05.2020, may be enlarged on bail. Learned counsel for the State appearing for the Cyber Crime has submitted that after granting bail in a criminal case of similar nature, this petitioner was found indulged in similar offence. The statement of victim, Manjula Ben has been recorded in Para-141 of the case diary and statement of victim- Manjal Ansari has been recorded in Para-142 of the case diary as they have categorically stated under Section 161 Cr.P.C. that they have been attempted to defraud and cheat by this petitioner from the mobile phone, but because of non- furnishing of OTP, money has not been transacted. The said mobile phone has been used for commission of the offence and the same has been recovered from the possession of the petitioner.

Considering rival submissions of the parties and looking into the facts and circumstances of the case as there is ample material against the petitioner with regard to incriminating articles recovered from the possession of the petitioner and considering involvement of the petitioner in cheating the victim whose statement has been recorded in different paras of the case diary, this Court is not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner is hereby rejected. The learned trial court is directed to expedite the trial.

( Kailash Prasad Deo, J.) Sandeep/R.S.