

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25108 of 2014

Arising Out of PS.Case No. -504 Year- 2013 Thana -BEGUSARAI MUFFASIL District-
BEGUSARAI

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1. Mantoon Kumar S/o Amin Singh Resident of Village Ramdiri Tola,
Lavarchak, P.S. Matihani, District Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.26028 of 2014

Arising Out of PS.Case No. -504 Year- 2013 Thana -BEGUSARAI MUFFASIL District-
BEGUSARAI

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1. Ranjit Kumar Son of Ram Narayan Singh resident of village- Ramdiri
Tola, Lavarchak, P.S.- Matiharni, District- Begusarai

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.25108 of 2014)

For the Petitioner/s : Mr. Bipin Kumar

For the Opposite Party/s : Mr. Binod Kr. 2(App)

(In Cr.Misc. No.26028 of 2014)

For the Petitioner/s : Mr. Arun Kumar

For the Opposite Party/s : Mr. Binod Kr. 2(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

3 28-01-2015 Heard learned counsels for the petitioners, informant
and the State.

The petitioners are languishing in custody since
11.2.2014 in a case registered for the offences punishable under
Sections 302 and 201/34 of the Indian Penal Code.



The informant being the chowkidar was informed about lying of the dead body of a boy near Karpuri Thakur High School. The dead body could not be identified. Subsequently, the brother of the deceased suspected that the deceased's brother in law (Sala) Anmol Kumar took Rupees two lacs fifty thousand which was not being returned for which there was some dispute between him and the victim. Anmol Kumar found to have contacted the victim on his mobile six times, petitioner Ranjit Kumar seven times talked on a different mobile but both the mobiles were registered in his name. Subsequently, on the confession of petitioner Ranjit Kumar mobile of the deceased was recovered from petitioner Mantoon Kumar.

It is submitted by the learned counsel for the petitioners that IMEI number of deceased's mobile has been recorded in paragraph 73 of the case diary as 911321351636890 whereas the IMEI number of the mobile which was recovered from the possession of petitioner Mantoon Kumar is 911321351636897. Hence, it is submitted that the recovery of alleged mobile cannot be treated to be mobile of deceased nor the said recovery is admissible in pursuance to the confession of petitioner Ranjit Kumar and only on suspicion the petitioners are languishing in custody. Statements have been made in paragraph 3 of the petitions that the petitioners have no criminal

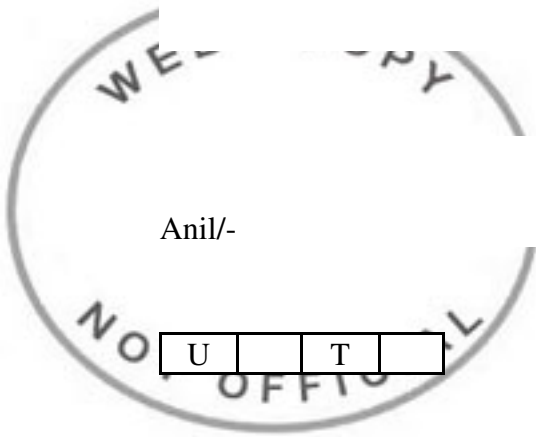
antecedent.

It is further submitted by learned counsel for the informant that IMEI number of the victim's mobile was actually 91132135136897 which was purchased from Gaziabad and details of which has been incorporated by the I.O. in paragraph 64 of the case diary.

It is submitted by learned counsel for the petitioners that on presentation of a cash memo the details of the same has been incorporated in paragraph 64 of the case diary by the I.O. but on verification of the actual number of IMEI, the same has been recorded in paragraph 73 of the case diary, on the basis of which the CDR has been prepared and on the basis of the said conversation the petitioners were roped in the present case.

Considering the fact that on the basis of the mobile conversation and its recovery the accusation has been levelled against the petitioners, but IMEI numbers of the victim's mobile traced by the investigating agency and claimed by the brother of the victim are different and the statements made in paragraph 3 of the petitions that the petitioners have no criminal antecedent, let the above named petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned CJM, Begusarai in

connection with Begusarai Mufassil P.S. Case No. 504 of 2013.



(Dinesh Kumar Singh, J)