

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.47418 of 2014

Arising Out of PS.Case No. -6 Year- 2011 Thana -LAUKARIA District-
WESTCHAMPARAN(BETTIAH)

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1. Arvind Uraon Son of Late Ramawtar Uraon Resident of Village -
Kateha, P.S. - Semra (Chiutaha), District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kr Singh No. 1, Adv.

For the Opposite Party/s : Mr. Lalan Kumar(APP)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

2 25-06-2015 Heard learned counsel for the petitioner as well as
learned APP for the State.

Dilip and Chanchal were kidnapped while in a way and
from perusal of the case diary, it is apparent that still both are
traceless and on account thereof, on the written report of Jagdeo
Sah, father of Chanchal, instant case has been registered.
Investigation commenced and during course thereof, there was
some sort of whispering regarding involvement of notorious
criminal, Rajendra Chaudhary in the background of inculpatory
extra judicial confessional statement made by three persons who
were apprehended and against whom charge-sheet had already
been submitted, namely, Gajraj, Anirudha and Om Prakash.

During investigation, it is also apparent that ransom was
demanded subsequently. Though there happens to be disclosure

regarding payment of Rs. 80,000/- but that has not been substantiated nor the investigation on that very score was conducted by the Investigating Officer.

After submission of charge-sheet against the aforesaid three persons, call details of mobile belonging to Chanchal was taken out and from para-24 of the supplementary case diary, it is evident that petitioner had, including others utilized the mobile set of Chanchal thrice under three different SIM Numbers at different occasion which properly been disclosed under para-24 at Serial No. 9, 12 and 13. It is also apparent from the call details that SIM standing in the name of Rita Devi, wife of petitioner was also used as is evident from para-24, Serial No.10.

In the aforesaid background, a raid was conducted and mobile set of Lal Bahadur Uraon, Paras Nath Uraon, Rita Devi were seized and for that a separate case was instituted as is evident from para-28 of the case diary whereunder petitioner also been arrayed as an accused.

It has been submitted on behalf of petitioner that the seizure of LAVA mobile set from the possession of his wife, Rita Devi contains different IMEI number than the IMEI mobile number of the victim Chanchal and on account thereof, petitioner had already been granted anticipatory bail vide Cr.Misc.No.

39419/2011 (Annexure-2). Therefore, the version of the prosecution is found completely demolished with regard to complicity of either petitioner or his wife, Rita Devi. Hence, petitioner is entitled for bail.

On the other hand, learned APP opposed the prayer for bail.

It is a criminal case wherein individual status of an accused is identified. Recovery of LAVA mobile set from the possession of Rita Devi having different IMEI number than that of mobile set belonging to Chanchal has got no bearing so far plea of petitioner is concerned because of the fact that there happens to be complete absence in the case diary nor there happens to be pleading on behalf of petitioner that he had used LAVA mobile having different IMEI number being in possession of Rita Devi. Furthermore, the aforesaid mobile set having IMEI number was seized from the possession of Rita Devi and not from the petitioner. Therefore, petitioner cannot be held liable nor petitioner could get benefit on that very score.

Now coming to the status of petitioner, it is apparent that from call details complicity of petitioner by way of using the mobile set belonging to victim, Chanchal is apparent. It is also apparent that petitioner used three different SIM numbers. In the

pleading, neither petitioner admitted nor denied the aforesaid three
SIM bearing nos. 9006529643, 8986241773 and 9470860721.
Consequent thereupon, prayer for bail is rejected.

(Aditya Kumar Trivedi, J)

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