

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14894 of 2017

Arising Out of PS.Case No. -225 Year- 2016 Thana -BIBHUTIPUR District- SAMASTIPUR

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1. Surendra Kumar @ Gore Lal @ Sulendra Kumar, S/o Late Ram Bahadur Mahto, Resident of Village- Khanzapur, Police Station- Cheria Bariarpur, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhimanyu Sharma

For the Opposite Party/s : Mr. Sri Sakir Ahmad

For the informant : Mr. Mritunjay Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

4 20-06-2017 Heard both sides.

The petitioner seeks bail in Bibhutipur P.S. case No. 225 of 2016 under Section 363, 364A of the Indian Penal Code. Later on Section 302 of the IPC was added.

The informant, father of the victim, disclosed that his son, Raushan Kumar, aged about 10 years, was missing from 30.09.2016. He received a call on his mobile No. 9006122925 from SIM No. 8151957018 and the caller demanded ransom of Rs. 15 lacs. On such statement FIR was lodged against unknown.

Sri Abhimanyu Sharma, the learned counsel for the petitioner, submits that petitioner is not named in the FIR. The name of petitioner figured in the case in the confessional statement



of Mantosh Kumar. It transpired during the course of investigation that SIM No. 8151957018 was issued in the name of Ram Pratap Mahto who died. Mantosh Kumar, son of Ram Pratap Mahto, was using the said SIM. On such, Mantosh Kumar was apprehended and he is said to have confessed his guilt and disclosed the name of the petitioner. Save and except the confessional statement of Mantosh Kumar there is no tangible material against the petitioner. It is further submitted that cousin of the deceased, Raushan Kumar, was found involved in the kidnapping of Raushan Kumar and his murder for ransom.

On the other hand the learned counsel for the informant as well as the learned Additional Public Prosecutor vehemently opposed the prayer for bail and submitted that SIM No. 8151957018 was used in the mobile of the petitioner of which IMEI No. was traced. Mantosh Kumar also disclosed that the petitioner demanded ransom. It is further submitted that mobile and SIM were recovered from the possession of petitioner and Anil Kumar. IMEI No. of mobile of the petitioner was 8683020284804 and it transpired during the course of investigation that different SIMs were inserted in the mobile for calling and demanding ransom.

It appears that petitioner and other accused persons



kidnapped the victim for demand of ransom. The mobile in which SIM No. 8151957018 was inserted and from which ransom was demanded was recovered from the possession of the petitioner and in course of investigation it came to light that different SIMs were put and calls were made. Mantosh Kumar also confessed his guilt in pursuance of which the dead body of deceased was recovered and he disclosed the entire facts as to how Raushan Kumar was killed for non payment of ransom.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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