

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9881 of 2023

Arising Out of PS. Case No.-341 Year-2022 Thana- RAMGARH District- Kaimur (Bhabua)

MOHIT GUPTA, aged about 26 years (Male), Son of Jaiprakash Gupta,
Resident of Village- Dahrak, P.S.- Ramgarh, District- Kaimur (Bhabua)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashutosh Tripathy, Advocate

For the Opposite Party/s : Mr. Syed Ehteshamuddin, App

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 04-05-2023 1. Heard learned counsel for the petitioner and the learned APP for the State.
2. Petitioner seeks regular bail in connection with Ramgarh P.S. Case No. 341 of 2022 dated 29.09.2022 registered for the offence(s) punishable under Section(s) 363 of the Indian Penal Code and later on Section 364(A) of Indian Penal Code was also added.
3. The main submissions advanced by the learned counsel for the petitioner are that though against the petitioner, there is criminal antecedent of one case but the same was lodged under different nature of offences in which he is on bail however the same was lodged after the institution of the FIR of the present matter, so it cannot be deemed to be a criminal antecedent of the petitioner, in the present matter the petitioner



is not named in the FIR, during investigation it came into light that the petitioner sold a mobile phone's SIM of Jio company to one, namely, Nikhil Kumar and the said SIM was used by the accused persons in making ransom call, in fact the petitioner is a salesman of Jio SIM retail outlet and he bonafidely sold the said SIM and except this, there is no any role of the petitioner in the alleged crime and at the time of selling of the said SIM he did not have any knowledge about the criminal intention of the co-accused persons regarding the purpose for which the SIM was purchased and moreover one co-accused Neeraj Kumar Singh, who is stated to be the mastermind of the alleged crime of kidnapping, has been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No.73778 of 2022 and the victim has been recovered and the petitioner has been languishing in jail since 04.11.2022 and against the petitioner, investigation has been completed.

4. Learned APP appearing for the State has opposed the bail prayer.

5. Considering the above submissions and mainly petitioner's the plea that he simply sold a mobile phone's SIM to co-accused which was used in the alleged crime and he claimed himself to be a salesman of Jio SIM retail outlet and



also taking into account the facts that the victim has been recovered and one co-accused, mentioned-above, is on bail and against the petitioner, investigation has been completed, in the opinion of this Court a lenient approach can be taken in respect of the petitioner’s prayer, let the petitioner be released on bail in connection with Ramgarh P.S. Case No. 341 of 2022 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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