

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.36018 of 2019**

Arising Out of PS. Case No.-437 Year-2018 Thana- PHULWARISHARIF District- Patna

SANTOSH RAI @ SANTOSH KUMAR S/o Bijendra Rai R/o Village-  
Lodipur, P.S.- Janipur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mrs.Usha Kumari Singh

For the Opposite Party/s : Mr.Upendra Kumar

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

3      17-08-2019                      Heard learned counsel for the petitioner and learned  
APP representing the State.

Petitioner in the present case is seeking anticipatory  
bail in connection with Phulwarisharif P.S. Case No.437 of 2018  
registered for the offence under Sections 364 and 120B/34 of  
the Indian Penal Code.

Learned counsel for the petitioner submits that as per  
the prosecution story the son of the informant went missing on  
09.06.2018, mobile number of the victim was switched off. The  
informant was told by his wife and son that the victim went on  
the motorcycle to meet one Aman Kumar, Sadhu Rai and Binod  
Kumar. It is further alleged that in course of search the  
informant went to the house of one Santosh Rai at Lodipur  
where it was disclosed by his wife that the victim had gone with



the aforesaid persons. The informant alleged that a month back there was some dispute among Santosh, Shushil (victim), Binod and Santosh Kumar. It is alleged therefore that the victim son of the informant had been kidnapped.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated on mere suspicion. It is submitted that although the date of occurrence is 09.06.2018, but the FIR has been lodged on 12.06.2018 and further the motorcycle of the victim has been recovered from the house of co-accused namely Ravindra Rai.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner. Referring to the impugned order, learned APP submits that in the case diary sufficient materials have come against the petitioner indicating his involvement in the present occurrence. In course of investigation, it has been revealed that the call details of the mobile phone of the victim shows that the last call was received from the accused-petitioner on the alleged date of occurrence.

In the given facts and circumstances of the case where this petitioner has got criminal antecedent and two other cases on his head of serious nature and further that the call details of the victim's mobile shows that the last call was received from



this petitioner, this Court is not inclined to grant anticipatory  
bail to the petitioner. This application is dismissed.

**(Rajeev Ranjan Prasad, J)**

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