

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 30315 of 2025

Arising Out of PS. Case No.-450 Year-2020 Thana- GAURICHAK District- Patna

1. Chintu Kumar S/o Hirdaya Ray @ Hirdaya Singh R/o village- Baluachak, Police Station- Gaurichak, District- Patna
2. Bhura Kumar @ Anuj Kumar S/o Viswanath @ Viswanath Ray R/o village- Baluachak, Police Station- Gaurichak, District- Patna
3. Chandu Kumar @ Pawan Kumar S/o Ashok Rai R/o vill - Adampur P.s. - Naubatpur, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar
For the Opposite Party/s : Mr.Arun Kumar

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 14-08-2025 Heard the parties.

2. The petitioners apprehend their arrest in connection with Gaurichak P.S. Case No. 450 of 2020, registered for the offences punishable under Sections 363, 365 of the Indian Penal Code.

3. Based upon the written report, the prosecution alleges that on the fateful day of 14.12.2020 at about 8:30 am, the maternal grand son of the informant had gone to his school but he did not return. Thereafter, the informant went to the school and verify about the whereabouts of his maternal grand son, it was told that his maternal grand son did not even come to



school. The informant suspected the hands of the petitioners.

4. Learned Advocate for the petitioners submitted that the alleged occurrence took place on 14.12.2020 but the FIR came to be instituted on 16.12.2020. Neither there is any eye witness to the alleged occurrence nor during the course of investigation it has come that the petitioners were seen nearby the house and anyhow connected with the present case. During the course of investigation, the boy was recovered and his statement was also recorded under Section 164 of the Cr.P.C.; wherein he has categorically stated that it is one Shakuntala Devi, who happens to be *Phua* of the boy, kidnapped him and kept at Fatuha for two months. It is also alleged that while he was kept in her house, one uncle used to come there but he could not disclose his name.

5. On the other hand, learned Advocate for the State vehemently opposes the bail application and submits that the prayer for anticipatory bail of the petitioners came to be rejected long back on 24.06.2021 by the learned Additional Sessions Judge-III, Patna City, Patna and thereafter again the petitioners moved before the court below in Anticipatory Bail Petition No. 1502 of 2024, which came to be rejected in the premise of the order of Hon'ble Supreme Court in the case of ***G.R. Ananda***



Babu Vs. the State of Tamilnadu and Anr. [2021 SCC OnLine SC 176].

6. Having considered the submissions set forth by the learned Advocates for the respective parties and taking note of fact that the petitioners have been evading their arrest despite knowing the fact that their bail has already been rejected by the court below, this Court is not acceded to exercise the extraordinary jurisdiction of this Court. Accordingly the prayer for anticipatory bail of the petitioner stands rejected.

7. The petitioners are directed to surrender before the court below, preferably within a period of four weeks from today. In case they surrender before the court below, the learned Court shall consider the prayer for regular bail of the petitioners taking into consideration the materials available on record as well as the statement of the victim and dispose of the same.

8. The application stands disposed of with liberty aforesaid.

(Harish Kumar, J)

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