

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46211 of 2024

Arising Out of PS. Case No.-422 Year-2022 Thana- FATUA District- Patna

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Santosh Kumar @ Mata Saw @ Mata Son Of Late Ram Babu Prasad @
Rambabu Singh Resident of Village- Nohata, Ps- Fatuha, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ansul, Sr. Advocate
		Mr. Raj Bansh Dubey, Advocate
For the Opposite Party/s :		Mr. Rabindra Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

7 05-02-2025 Heard Learned Senior Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Fatuha P.S. Case No. 422 of 2022, lodged on 13.06.2022, under
Sections 363/364/34 of the Indian Penal Code.

3. As per the prosecution, FIR has been lodged against
four named accused persons including the present petitioner
with allegation that the accused persons including the present
petitioner had taken the informant's son thereafter, his son did
not return. On contacting the petitioner on telephone, the
informant states that the petitioner told that he would get to talk
to his son soon. Thereafter informant making further attempt but
he could not contact with them. When his son did not return



then the informant apprehends about some untoward incident has occurred for the reason that on an earlier occasion there was a fight with co-accused Raushan Kumar and he had threatened the informant.

4. Learned Counsel for the petitioner submits that the antecedent of the petitioner is clean. He is in custody since 14.01.2024. Counsel further submits that other co-accused with similar allegation has been granted bail vide order dated 13.09.2024 passed in Cr. Misc. No.59343 of 2024. He submits that case-diary has been called for but there is no material found. As such, he deserves for bail.

5. Learned counsel for the State, on the other hand, opposes the prayer for bail and submits that FSL report has also come. The result of the FSL are in two parts, the first part indicates that blood has been detected in Exhibit-A/2- over small area, Exhibit-A/3- at one place and Exhibit-A/5- at one place but blood could not be detect in the exhibits marked as Exhibits- A/1, A/4, A/6 and A/7 from the vehicle bearing No. BR01PD5100.

6. Upon perusal of the case-diary, it transpires to this Court that the informant, who is the father of the traceless person, categorically stated in paragraph-196 that his son was



kidnapped by Mahindra XUV500 bearing No.BR01PD5100 in which all the accused persons including the present petitioner was sitting and thereafter his son became traceless and he is still traceless and blood stain was found in the said vehicle.

7. In the present facts and circumstances that the blood stains were found in the said Mahindra vehicle, therefore, it is a case of circumstantial evidence and strong circumstance is against the petitioner and, hence, this Court is not inclined to grant bail to the petitioner. Hence, the prayer for bail of the petitioner is hereby rejected.

8. It is made clear that bail has been granted to co-accused Vikash Kumar vide order dated 13.09.2024 passed by a co-ordinate Bench of this Court in Cr. Misc. No.59343 of 2024 without considering the case-diary and F.S.L. report.

(Dr. Anshuman, J)

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