

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66048 of 2024

Arising Out of PS. Case No.-198 Year-2012 Thana- ARARIA District- Araria

Pushkar Kumar @ Pushkar Singh Son of Late Ganesh Singh Resident of
Village - Tamghatti, P.S. - Bousi, District - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prateek Tandon

For the Opposite Party/s : Ms. Rina Sinha

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 18-01-2025 Heard Mr. Prateek Tandon, learned Advocate for the

petitioner and learned Additional Public Prosecutor for the

State.

2. The petitioner apprehends his arrest in connection
with Araria P.S. Case No. 198 of 2012, registered for the
offences punishable under Sections 363, 364, 365, 120(B) of the
Indian Penal Code.

3. Based upon the written report, the prosecution
alleges that on 24.05.2012, while the informant was going to
his friend's house, in the meantime, he was kidnapped by named
accused persons and taken away by a Sumo Vehicle and kept in
an unknown place. However, while the accused persons were
sleeping, the informant managed to escape from the clutches of
the accused persons and got the FIR registered.



4. Learned Advocate for the petitioner contended that the petitioner is not named in the FIR, however for the first time his name was surfaced on the confessional statement of co-accused person; save and except the confessional statement, there is no material. The petitioner was not knowing even this fact that his name has ever been transpired in the confessional statement of co-accused person and, as such, he could not ensure his presence before the jurisdictional court. It is the contention of the petitioner that recently he came to know when non bailable warrant has been issued against him. Moreover, the other co-accused persons named in the FIR have been allowed bail by this Court way back in the year 2012 and 2013 itself. The petitioner bears fair antecedent and he is ready to cooperate in the proceeding of the court.

5. On the other hand, learned Advocate for the State opposes the bail application and submits that the petitioner has been evading the due process of law for the last 12 years and moreover the process under Section 83 Cr.P.C. has already been issued way back on 28.01.2013 itself, copy of which is attached with the case diary.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner



has been evading evading from law and the process under Section 83 Cr.P.C. has already been issued, this Court is not inclined to accede to the prayer for anticipatory bail of the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner stands rejected.

7. However, if the petitioner surrenders before the court below, preferably within a period of four weeks, the learned court below shall consider the case of the petitioner on merit without being prejudiced by the order of this Court and also taking note of the fact that the other co-accused persons named in the FIR have been allowed the privilege of bail by the Court.

(Harish Kumar, J)

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