

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76645 of 2024

Arising Out of PS. Case No.-281 Year-2023 Thana- BARHARA District- Bhojpur

Biru Kumar Son of Late Mahendra Ram Resident of village- Babhanuli PS-
Ara Mufassil, District- Bhojpur Petitioner/s

Versus

1. The State of Bihar Patna
2. Durgawati Devi, W/o Sanjay Ram, R/o- Village- Parashurampur, P.S.-
Krishnagarh (Sinha O.P.) District- Bhojpur Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Adv.
For the Opposite Party/s : Mr. J. N. Thakur, APP

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

6 25-09-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner is apprehending his arrest in Barhara
P.S. Case No. 281 of 2023 registered under Sections-365/366 of
the Indian Penal Code.

3. As per allegation, On the call made by the petitioner by
mobile No. 8521092404 on Mobile No. 9798848467 of the
victim, the daughter of the informant, who went from her house
by a tempo but she did not return. The victim is still traceless.

4. It has been submitted on behalf of the petitioner that the
petitioner and the grandfather of the victim used to work in the
same department where the petitioner was working and some
dispute for transaction of money arose due to which, the
petitioner has been falsely implicated. It has also been submitted



that there is no explanation of delay of 22 days in lodging the case by the police and in reply to that, the counsel for the informant submits that the informant approached to the police but the case was not lodged and thereafter, she approached the concerned Superintendent of Police and only thereafter, the case was instituted.

5. Learned counsel for the informant and learned Additional P.P. Sri J. N. Thakur have opposed the prayer for anticipatory bail by submitting that the victim is still traceless and according to CDR available with the case diary, it has come during investigation that the petitioner had continuous telephonic talk with the victim prior to her kidnapping. In paragraph-97, the conclusion of the CDR has been mentioned which shows that the petitioner had continuous talk with the victim and she is still traceless.

6. Considering the aforesaid facts and circumstances, the petitioner is not entitled for privilege of anticipatory bail and accordingly, the same is *rejected*.

(Nawneet Kumar Pandey, J)

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