

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49561 of 2017

Arising Out of PS.Case No. -170 Year- 2017 Thana -JAGDISHPUR District- BHAGALPUR

=====

Golu @ Pratyksh @ Akshat Kumar Choubey, Son of Abhay Kumar Choubey, Resident of Village – Dariyapur, P.S. – Sajour, District – Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha

For the Opposite Party/s : Mr. Sri Brajendra Nath Pandey

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 21-12-2017

Heard the learned counsel for the petitioner and the State.

The petitioner seeks bail in connection with Jagdishpur P.S. Case No. 170 of 2017 dated 02.06.2017 instituted for the offence under Section 364(A) of the Indian Penal Code.

The FIR reveals that the informant received a telephone call from one Tinku Miyan, who was asking for money from the informant because the son of the informant was responsible for the unnecessary expenses of Rs. 1 lakh for the bail of one of the other co-accused persons. The FIR further reveals that the son of the informant (victim) along with Abhishek Kumar Singh and Subham Bhattacharya were arrested in connection with a case under the Arms Act. In that process, the son of the informant had made arrangements for grant of bail but had made



Tinku Miyan pay Rs. 1 lakh unnecessarily.

Learned counsel for the petitioner has submitted that in the statement recorded under Section 164 Cr. P.C., the son of the informant though alleged that the petitioner was also involved but it is in the nature of a general statement that he was put in confinement and was tortured for bringing money from his father. Learned counsel for the petitioner has also stated that the petitioner does not have any criminal antecedent and has remained in jail custody since 05.06.2017. The victim was recovered after about three days from the house of one Rinku Miyan who is related to Tinku Miyan. It appears that the victim also was one of the associates of Tinku Miyan and others and there was some *inter se* dispute between them with respect to money. For the aforesaid purpose, it has been argued by the learned counsel for the petitioner that perhaps the victim was kept in confinement for sometime.

While opposing the prayer for bail, the learned counsel for the State has submitted that the recovery of the boy was made at the instance of the petitioner.

Regard being had to the fact that there is no transaction of money and the victim himself was one of the associates of the main accused person viz. Tinku Miyan who had



made a telephone call to the informant for handing over money, this Court is inclined to grant bail to the petitioner.

In the facts and circumstances, the petitioner above named is directed to be released on bail on his furnishing bail bond in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Jagdishpur P.S. Case No. 170 of 2017.

(Ashutosh Kumar, J)

KKSINHA/-

U		T	
---	--	---	--

