

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40267 of 2017

Arising Out of PS.Case No. -54 Year- 2017 Thana -GOPALGANJ TOWN District- GOPALGANJ

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1. Bittu Kumar @ Bittu Yadav Son of Sri Santosh Yadav, R/o Village-Bikarampur, P.S.- Yadopur, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar No-1

For the Opposite Party/s : Smt. Asha Devi

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 27-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in custody since 27.03.2017 in connection with Sessions Trial No. 316/17, arising out of Gopalganj P.S. Case No. 54 of 2017 for offences punishable under Sections 364-A and 120-B of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that his daughter Sambhawi Goyal @ Gungun, aged 10 years, who is student of Class-V went to the school, but did not return. Thereafter he received a telephone call demanding Rs. One crore. Accused persons also threatened that if demand is not fulfilled his daughter would be killed.



It has been submitted by the learned counsel for the petitioner that he is innocent, although the First Information Report is against unknown, but it is only on the basis of confessional statement of one Chandan Kumar, who along with cousin of the victim had planned kidnapping, that the name of the petitioner surfaced. He submits that the victim girl in her statement under Section 161 Cr.P.C. has not named the petitioner and there is no overt act alleged against the petitioner. The victim girl was recovered the very same day and it was only planning that the victim girl would be kept in confinement in the house of the petitioner that the petitioner has been made accused. He further submits that charge-sheet has already been submitted, there is no allegation of tampering of the prosecution witnesses by the petitioner and another co-accused has been granted privilege of bail by this Court in Cr. Misc. No. 25284 of 2017 on 09.08.2017.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned



A.D.J.-VIII, Gopalganj, in connection with Sessions Trial No. 316/17, arising out of Gopalganj P.S. Case No. 54 of 2017, subject to the conditions that :

- (i) One of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned P.S./Court, who will file an affidavit stating his relationship with the petitioner.
- (ii) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

Rajesh/-

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