

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25284 of 2017

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Tarik Hussain @ Tarique Hussain Son of Zakir Hussain, Resident of
Village-Amaithi Khurd, Police Station-Thawey, District-Gopalganj.

.... Petitioner/s

Versus

The State Of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh, Advocate
Mr. Mritunjay Pd. Singh, Advocate

For the Opposite Party/s : Mr. Murli Dhar, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 09-08-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
15.02.2017 in connection with Gopalganj Town P.S. Case No. 54
of 2017 registered for the offence 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, Shambhawi Goel alias Gungun, a student of
D.A.V. School, Thawe aged 10 years had gone to school by school
bus, but did not return. Thereafter, he received a telephonic 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 not named in the First Information Report, no overt act is alleged to have been committed by him and the victim girl, who was recovered on the same day, has given her statement before the police naming her cousin brother along with two other persons, but not the petitioner. Name of the petitioner surfaced on the confessional statement of co-accused, Divyank Kumar and his own confessional statement before the police. In fact, the vehicle used was his brother's vehicle which the said Divyank Kumar had taken being friend. He submits that charge-sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses by the petitioner and just because his brother is the owner of the Scorpio vehicle used for the alleged kidnapping that he has been made accused.

However, learned A.P.P. for the State vehemently opposes the prayer for bail stating therein that the petitioner was also indulged in the conspiracy of kidnapping the minor daughter of the informant.

Considering the facts and circumstances and the materials on record, since the petitioner is not named in the First Information Report and no overt act is alleged to have been committed by him, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand



only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gopalganj in connection with Gopalganj Town P.S. Case No. 54 of 2017, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable properties within the jurisdiction of the concerned P.S./ Court, who would file an affidavit stating his relationship with the petitioner and that petitioner will appear before the learned Court below on each and every date and failure to appear before the learned Court below on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J.)

Arjun/-

