

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.28838 of 2016**

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1. Virendar Kumar @ Virendra Kumar, Son of Darshan Rai, Juvenile under the guardianship of his natural father Darshan Rai, Resident of Village:- Maddudabad, P.S:- Mohiuddin Nagar, District:- Samastipur.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Dilip Kumar Roy

For the Opposite Party/s : Mr. Ajay Kumar-Ii(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      27-07-2016

The present application has been filed for modification of the order dated 07.04.2016 passed in Cr. Revision No. 286 of 2016, whereby the petitioner was granted bail in a case registered for the offences punishable under Sections 302, 201, 379/34 and 411 of the Indian Penal Code.

The petitioner was granted bail by a coordinate Bench of this Court(now retired) on consideration of fair criminal antecedent stated in paragraph No. 3 of Cr. Revision application and undertaking of the father of the petitioner to take the responsibility to take of the petitioner being a juvenile.

It is submitted by learned counsel for the petitioner that petitioner could not be released on bail since the

petitioner is accused in one other case apart from the present one being Mohiuddin Nagar P.S. Case No. 22 of 2015 registered under Sections 366A/34 of the Indian Penal Code and Sections 3(1)(xi)(xii) of the SC & ST (Prevention of Atrocities) Act. However, in the aforesaid case the petitioner has been granted bail. A statement to that effect has been made in para 5 of the present modification application.

Considering the fact that the petitioner was declared juvenile and due to the wrong submission in para 3 of the petition with regard to his antecedent, the petitioner has remained in the remand home for about further three months, the condition No. 2 of the order dated 07.04.2016 passed in Cr. Revision No. 286 of 2016 which stipulates that '**petitioner shall file affidavit clearly stating that petitioner is not an accused in any other case and if he is he shall not be released**' is modified to the extent that 'petitioner shall file an affidavit clearly incorporating that petitioner is accused in one other case being Mohiuddin Nagar P.S. Case No. 22 of 2015 apart from the present one then he will be released. The other condition as incorporated in the order dated 07.04.2016 shall remain the same.

The order dated 07.04.2016 passed in Cr. Revision No. 286 of 2016 is modified to the extent as indicated above.

Accordingly the modification application is

disposed of in connection with Juvenile Enquiry No. 1225 of 2015, arising out of Pattory P.S. Case No. 336 of 2015, pending in the Court of learned Sessions Judge, Samastipur.

Shageer/-

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**(Dinesh Kumar Singh, J)**