

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.645 of 2016

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Subodh Kumar, S/o Hari Bhajan Bhaitha, Resident of
Village- Kauriya Tola Chaki, P.S.- Madhuban, District- East
Champaran, under the guardianship of his father Hari
Bhajan Bhaitha.

.... Petitioner/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Adv.

For the Respondent/s : Mr. Sri Tarun Pd. Mandal, APP

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL ORDER

3 16-01-2017 Heard the parties.

The petitioner has been declared to be a juvenile. He is an accused in Madhuban P.S. Case No. 5 of 2016, registered for the offences punishable under Sections 363 and 366A/34 of the Indian Penal Code. He is said to be under observation since 05.01.2016. The petitioner is aggrieved by an order, dated 30.05.2016, passed in Cr. Appeal (Juvenile) No. 45 of 2016, whereby, learned 1st Addl. Sessions Judge, East Champaran, Motihari, has dismissed his appeal preferred against rejection of his



application for release on bail. Learned court below, while refusing the prayer of the petitioner, has recorded that if he is released on bail, he may fall in association with criminals, which will expose the petitioner to moral, psychological and physical danger.

Learned counsel, appearing on behalf of the petitioner, has submitted that the father of the petitioner is in a position to take proper care of the petitioner and ensure that he does not fall in association with the criminals. He has produced before this Court the certified copies of the orders, passed by this Court, dated 14.07.2016 and 16.09.2016, whereby other co-accused persons have been granted bail, mainly on the ground that the victim girl also found to be in some kind of relationship with another co-accused, namely, Deepak Kumar.

Considering the facts and circumstances, this revision application is allowed. The order, dated 30.05.2016, is set-aside.

Let the petitioner, above named, be released on bail on furnishing an affidavit by his father to the effect that he will look after the interest of the petitioner and will not allow him to fall in bad company. In addition to the affidavit, the father of the petitioner will also be required to furnish personal bond of Rs. 10,000/- with two sureties of



the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge, East Champaran, Motihari, in connection with Trial No. 907 of 2016, arising out of Madhuban P.S. Case No. 5 of 2016 (G.R. No. 89 of 2016). It is made clear that only on furnishing of such affidavit and sureties, the petitioner, above named, shall be released on bail.

(Chakradhari Sharan Singh, J.)

Praveen-II/-

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