

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.1133 of 2016

=====
Jitendra Kumar @ Golu Kumar, Son of Sudhir Raut @ Sudhir
Roy, Resident of Village- Chhanch, Police Station-BodhGaya
District- Gaya, through his father and natural guardian
namey Sudhir Raut @ Sudhir Roy, son of Late Ram Pratap
Raut, Resident of Village- Chhauch Police Station- BodhGaya
District- Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar, Adv.

For the Respondent/s : Mr. Bisheshwar Ram, APP

=====

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

ORAL ORDER

2 25-01-2017 Heard the parties.

The petitioner has been declared to be a
juvenile. He has been made accused in Bodh Gaya P.S.
Case No. 227 of 2015, registered for the offence
punishable under Section 304(B) read with Section 34 of
the Indian Penal Code, being the brother of the husband
of the deceased.

The present criminal revision application,



under Section 53 of the Juvenile Justice (Care and Protection of Children) Act, 2000, has been filed against the order, dated 19.09.2016, passed by the learned Sessions Judge, Gaya, in Cr. Appeal (Juvenile) Case No. 74 of 2016, and the order, dated 12.08.2016, passed by the Juvenile Justice Board, Gaya, in G.R. No. 3272 of 2015, Misc. Case No. 117 of 2016, arising out of Bodh Gaya P.S. Case No. 227 of 2015, whereby, the petitioner's prayer for his release on bail has been rejected.

Learned counsel for the petitioner has submitted that the petitioner has been wrongly trapped in the criminal case only because he is the brother of the husband of the deceased, namely, Sujeet Kumar. According to the case of the prosecution, after the death of the brother of the petitioner, the widow was married to this petitioner and because of non-fulfillment of demand of dowry, the petitioner got her eliminated.

It is the case of the petitioner that there was no marriage between him and the wife of the deceased and there would have been no question of marriage, he being a juvenile.

Considering the facts and circumstances, I consider it to be a fit case, where the petitioner should



be allowed to be released on bail. The impugned orders, dated 12.08.2016, passed by the Juvenile Justice Board, Gaya, and 19.09.2016, passed by the learned Sessions Judge, Gaya, are set-aside.

This criminal revision application is, accordingly, allowed.

Let the petitioner 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 Sessions Judge, Gaya, in connection with G.R. No. 3272 of 2015, Misc. Case No. 117 of 2016, arising out of Bodh Gaya P.S. Case No. 227 of 2015.

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/-

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

