

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.766 of 2017

Arising Out of PS.Case No. -null Year- null Thana -null District- MADHUBANI

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Nakul Yadav @ Abhishek Yadav @ Ashutosh Yadav, Son of Ramashish Yadav,
Resident of Village Birpur, P.S. Madhepur, District Madhubani, under the
guardianship of his Uncle, namely, Umakant Yadav, Son of Late Raja Ram Yadav,
Resident of Village Navtol, P.S. Phulparas, District Madhubani

.... Petitioner

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Petitioner	:	Mr. Girish Chandra Jha, Advocate
For the State	:	Mr. Ramchandra Sahani, APP
For the Informant	:	Mr. Hriday Narayan Harshit, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 08-09-2017

Heard learned counsel for the petitioner, learned APP for
the State and learned counsel appearing on behalf of the informant.

2. The petitioner is a juvenile being one of the accused in
Madhepur P.S. Case No.118 of 2015, lodged under Sections
302/307/120(B)/34 of the Indian Penal Code as well as Section 27 of the
Arms Act and his bail application was rejected by the Juvenile Justice
Board, Madhubani by order dated 10.01.2017 against which appeal was
preferred but the same was also dismissed vide order dated 04.04.2017,
passed in Criminal Appeal No.05 of 2017, by learned Sessions Judge,
Madhubani.

3. Learned counsel for the petitioner submits that the
petitioner is 16½ years old and a boy of fair antecedent but he has falsely
been implicated in this case due to enmity with other side and only



allegation against him is that he was driving motorcycle and his brother sitting beside opened fire causing death and this allegation is false and the prayer of bail was refused only on the ground that his release would put him in physical, moral and psychological danger and not in the interest of justice and the appellate court dismissed the bail giving reason that on release the petitioner may go in association with his brother co-accused who has got criminal antecedent.

4. Petitioner is a child of less than 16½ years. The impugned judgment of the appellate court shows that his brother Bhim Yadav, co-accused, has got large number of criminal antecedents, precisely 12 criminal cases are pending against him and this petitioner is also accused in two other criminal cases instituted under Section 302 of the Indian Penal Code and Section 27 of the Arms Act, so definitely on his release, he is likely to go in association with known criminals, therefore, his release is not in his own interest, so prayer of bail of the petitioner in connection with Madhepur P.S. Case No.118 of 2015 is refused.

5. The criminal revision application stands dismissed.

(Arun Kumar, J.)

S.Kumar/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.09.2017
Transmission Date	12.09.2017

