

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.689 of 2016

Arising Out of PS.Case No. -111 Year- 2015 Thana –Bodh Gaya District- GAYA

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1. Nagina Kumari @ Nagina D/o Sri Sidheshwar Yadav R/v- Lohara, P.S.-
Bodh Gaya, Distt- Gaya. Guardianship of the elder brother namely Anuj
Kumar

.... Petitioner

Versus

1. The State of Bihar

.... Respondent

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with

Criminal Revision No.692 of 2016

Arising Out of PS.Case No. -111 Year- 2015 Thana –Bodh Gaya District- GAYA

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Prakash Kumar @ Prakash, son of Sri Sidheshwar Yadav R/v- Lohara, P.S.-
Bodh Gaya, Distt- Gaya. Guardianship of the elder brother namely Anuj
Kumar

.... Petitioner

Versus

The State of Bihar

.... Respondent

=====

Appearance :

(In CR. REV. No.689 of 2016)

For the Petitioner/s : Mr. Vijay Kumar Sinha

For the Respondent/s : Mr. Shyam Bihari Singh

For the informant : Shivshankar Sharma

For the

(In CR. REV. No.692 of 2016)

For the Petitioner/s : Mr. Vijay Kumar Sinha

For the Respondent/s : Mr. Jai Narain Thakur

For the informant : Mr. Shivshankar Sharma

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI

SHARAN SINGH

ORAL ORDER

2 09-01-2017 Heard learned Counsel for the petitioners,

learned Counsel appearing on behalf of the informant and

the learned Additional Public Prosecutor representing the

State.

The petitioners, who are brother and sister,

have been declared to be juvenile. They has been made



accused in Bodh Gaya Police Station Case No. 111 of 2015, registered for the offences punishable under Sections 302/201/34 of the Indian Penal Code. They are aggrieved, in the present criminal revision application under Section 53 of the Juvenile Justice (Care and Protection of Children) Act, 2000, by judgment and order, dated 27.05.2016, passed by the learned Sessions Judge, Gaya, in Criminal Appeal (Juvenile) No. 37 of 2016, whereby he has affirmed the orders, dated 25.04.2016 and 21.04.2016, passed by the learned Principal Magistrate, Juvenile Justice Board, Gaya, in Misc. Case No. 52 of 2016, arising out of Bodh Gaya Police Station Case No. 111 of 2015, whereby bail applications of the petitioners have been rejected.

Learned Counsel for the petitioners have submitted that the petitioners are in custody since 29.03.2016 and their father, namely, Sidheshwar Yadav, who is also an accused in the said case, has been released on regular bail.

Considering the fact that the petitioners are in custody since 29.03.2016 and they have no criminal antecedent, in my view, the Court below ought to have released them on bail.

In view of the facts and circumstances, as above, this revisional application is allowed. The judgment



and order, dated 27.05.2016, passed by the learned Sessions Judge, Gaya, in Criminal Appeal (Juvenile) No. 37 of 2016, and the orders, dated 25.04.2016 and 21.04.2016, passed by the learned Principal Magistrate, Juvenile Justice Board, Gaya, in Misc. Case No. 52 of 2016, arising out of Bodh Gaya Police Station Case No. 111 of 2015, are set aside.

Let the petitioners be released on bail on furnishing an affidavit by their father to the effect that he will look after the interest of the petitioners and will not allow them to fall in bad company. In addition to the affidavit, the father of the petitioners will also be required to furnish personal bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the learned Juvenile Justice Board, Gaya, in connection with Misc. Case No. 52 of 2016, arising out of Bodh Gaya Police Station Case No. 111 of 2015.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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