

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.1009 of 2018

=====

1. Chandra Kishor Kumar Mandal son of Dinesh Kumar Mandal, resident of Village- Hingna, Police Station- Raniganj, District Araria under the guardianship of his father Dinesh Kumar Mandal, S/o Deo Narayan Mandal.

.... Petitioner/s

Versus

1. The State of Bihar

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana

For the Respondent/s : Mr. Sri Rajeev Nayan

=====

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 10-10-2018 This revision application has been preferred against the order dated 25.5.2018 passed by the 1st Addl. Sessions Judge, Araria in S.G.R.nO.2837 of 2017 by which he has rejected the prayer for bail of the petitioner.

Allegation against the petitioner is that a dacoity was committed in the house of the informant and thereafter five accused persons including the petitioner were arrested and from the possession of the petitioner, Rs.40,000/- cash has been recovered, on that basis the petitioner was made accused in this case.

During the pendency of the appeal, the petitioner claims to be juvenile as his age was assessed as 16 years, 04 months and 09 days by the J.J.B. and later on the case of the



petitioner was sent to the Children court under Section 18(3) of the Juvenile Justice Board (Care and Protection of the Children) Act, 2015.

Before the children court, the petitioner moved for bail and his prayer for bail was rejected, vide order dated 25.5.2018 on the ground that cash has been recovered.

Submission of the learned counsel for the petitioner is that he is in custody since 2.9.2017 and all the other accused person having similar allegation have been granted bail vide order dated 4.4.2018 passed in Cr. Misc. No.6623 of 2018, order dated 2.5.2018 passed in Cr. Misc. No.10352 of 2018, order dated 8.2.2018 passed in Cr. Misc. No.7663 of 2018, order dated 11.1.2018 passed in Cr. Misc. No.1138 of 2018 and order dated 17.11.2017 passed in Cr. Misc. No.53820 of 2017.

It is also submitted that the cash has not been put on the TIP for identification and the petitioner has also not been put for TIP for identification.

Having heard both sides and in view of the facts and circumstances as stated above, the impugned order does not appear to be sustainable in the eye of law, as such this revision application is allowed, the impugned order is set aside and the petitioner is directed to be released on bail on bail bond of



Rs.10,000/- with two sureties of the like amount to the satisfaction of the 1st Additional Sessions Judge, Araria in connection with S.G.R. No.2837 of 2017 arising out of Raniganj P.S.Case nO.303 of 2017 and further during the period of the juvenility, he shall be under the supervision of the Probation Officer and anything adverse comes against the petitioner, the prosecution shall move for cancellation of his bail bond of the petitoenr.

(Vinod Kumar Sinha, J)

chn/-

U			
---	--	--	--

