

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.155 of 2018

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1. Shardanand Choudhari @ Sadanand Choudhary, Son of Rajesh Choudhary, Resident of Village- Gehlour, P.S.- Atari, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Chandra Bhan Prasad, Son of Nirbhya Prasad, Resident of Village- Gehlour, P.S.- Atri, District- Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh
For the Respondent/s : Mr. Sri Parmanand Kumar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 01-10-2018 This revision application has been directed against the order dated 12.10.2017 passed by the learned Additional District Judge-1st, Gaya, in Children Trial No.9 of 2017 arising out of Atri P.S. Case No.105 of 2017 by which prayer for bail of the petitioner who has been declared juvenile has been rejected.

The prosecution case, in short, is that when the daughter of the informant, Simpi Kumari, had gone to attend the call of nature she was kidnapped by the petitioner and other co-accused persons Mantu Kumar, Prakash Das, Pawan Pandey and later on dead body of the girl was recovered.

During the pendency of the case, the petitioner claims to be juvenile and the same was enquired and thereafter after enquiry the Juvenile Justice Board has found him juvenile vide order



dated 28.6.2017 passed in Misc.No.78 of 2017 / G.R.No.3530/17 and found him to be aged about 16 years 02 months and 20 days which will appear from Annexure-2.

It further appears from perusal of the record that J.J.B. made enquiry under Section 15(1) of Juvenile Justice (Care and Protection of Children) Act, 2015, and held that the petitioner is capable to understand the consequences of such offences and he is mentally and physically sound.

It further appears that thereafter the petitioner moved for bail before the children court and the children court vide order dated 5.10.2017 passed in Children Trial No.9 of 20 has rejected the prayer for bail on the ground that the offence is heinous in nature.

Submission of the learned counsel for the petitioner is that except suspicion there is nothing against the petitioner and the other co-accused who are also juvenile has been granted privilege of bail by coordinate Bench vide order dated 27.02.2018 passed in Cr.Rev. No.1170 of 2017 on the ground that nobody has seen the occurrence and further there is no report of social investigation available on the record to show that the petitioner has a chance to be exposed to moral, social and psychological danger and he is in custody since 06.06.2017.



Heard the learned A.P.P. also who opposed the prayer for bail of the petitioner. However, he does not find any specific allegation against the petitioner.

Considering the aforesaid facts and circumstances of the case, stated above, impugned order dated 12.10.2017 is set aside. The revision application is allowed and the revision application is allowed and the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction Juvenile Justice Board, Gaya, in connection with Atri P.S.Case No.105 of 2017 with condition that one of the bailors must be father of the accused who will give undertaking that he will protect him from contact of the criminals and further he will be kept under the supervision of the Probation Officer and if the Probation Officer finds anything against the petitioner, he may move for cancellation of his bail bond.

(Vinod Kumar Sinha, J)

AnilKrSinha/-

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