

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.463 of 2018

=====

1. Ajay Kumar Mukhiya @ Ajay Kumar, Son of Dashan Mukhiya,
Resident of Village- Nrayanpur, Police Station- Bhaptiyahi, District-
Supaul.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Naresh Kumar Mehta

For the Respondent/s : Mr. Sri Chandra Bhushan Prasad

=====

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

6 25-09-2018

This revision application has been preferred against the order dated 22.3.2018 passed in Cr. Appeal No.23 of 2018, which has been preferred against the order dated 24.1.2018 passed in J.J.B. Case No.567 of 2017 arising out of Agamkuan P.S.Case No.379 of 2017, by which the prayer for bail of the petitioner was rejected.

The allegation as per the FIR is that the victim had gone to give examination in the Rajkiya Pharmacy College Agamkuan and she did not return, since then she is traceless. On that basis Agamkuan P.S.Case No.379 of 2017 was registered. It further appears that from the order of the appellate court that the charge sheet has been submitted under Section 365 of the IPC and the petitioner has been implicated in this case on the basis of the



CDR of his mobile. The petitioner has claimed himself to be juvenile and the J.J.B. vide order dated 15.11.2017 has declared him as juvenile assessed his age about 15 years, 02 months and 07 days.

During the course of argument, a certified copy of the order has been filed, and thereafter the petitioner has moved for bail before the J.J.B and his prayer for bail was rejected, vide order dated 24.1.2018 on the ground that the crime is heinous and releasing the petitioner shall danger socially, physically and psychologically, against which the petitioner has preferred Criminal Appeal No.23 of 2018 that has also been dismissed vide order dated 22.3.2018.

Submission of the learned counsel for the petitioner is that there is no social investigation report available on the record and the petitioner has been found to be juvenile aged below 16 years and though except the CDR there is absolutely nothing against the petitioner and he is in custody since 13.10.2017.

Heard learned APP, who has opposed the prayer for bail on the ground that the girl is still traceless.

Having heard both dies and in view of the facts and circumstances, as stated above, this revision application is allowed and the impugned order of the appellate court and the order of the



Juvenile Justice Board dated 24.1.2018 are set aside, as such let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Juvenile Justice Board, Patna in connection with J.J.B. Case No.567 of 2017 arising out of Agamkuan P.S.Case NO.379 of 2017, on condition that he will be under supervision of probationer officer during pendency of the case.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

chn/-

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

