

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.814 of 2018

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1. Vijay Kumar @ Nanhaki S/o Ashok Sahani , R/o Vill.-
Kolhuapaigamberpur, P.S.- Ahiyapur, Distt.- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur

For the Respondent/s : Mr. Sri Sanjay Kumar Tiwary 1

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 18-09-2018 Heard the parties.

This revision application has been preferred against the order dated 29.5.2018 passed by the 1st Additional Sessions Judge-cum- Special Judge, Children court, Muzaffarpur, in Cr.Appeal No.18 of 2018 as also against order dated 21.4.2018 passed in Kanti P.S.Case No.547 of 2017 by which he has rejected the prayer for bail of the petitioner who has been declared juvenile and found to be aged 17 years 11 months and 2 days.

Learned counsel for the petitioner has assailed the impugned order on the ground that the petitioner is not named in this case rather on the basis of his confession made in another case before the police he has been remanded in this case and there is no recovery from his possession and other co-accused person has already been granted bail by the Hon'ble High Court. It has also



been submitted that there is no social investigation report on record and the petitioner is also accused in one more case and his prayer for bail has been rejected on the ground that there is chance of his exposure to moral, physical or psychological danger and there is also chance of coming into contact with anti social elements. It has also been submitted that his mother is ready to undertake that the petitioner shall not be exposed and indulge in criminal activity in future. The petitioner is in custody for about 8 months.

Heard learned A.P.P. also who opposed the prayer for bail of the petitioner stating that the petitioner is accused in another case also and there is chance of his involvement in criminal activity, if he is released on bail.

Having heard both sides and in view of the facts and circumstances, as stated above, and considering the facts that the petitioner is in custody for about 8 months and his name transpires only on the basis of confessional statement of co-accused and the mother of the petitioner undertakes to try to save him from exposure of moral, physical or psychological danger, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.25,000/- with two sureties of the like amount each to the satisfaction of Principal Judicial Magistrate Juvenile Justice



Court, Muzaffarpur, in Kanti P.S. Case No.547 of 2017 subject to the condition that the mother of the petitioner shall file undertaking that she will prevent her son from moral, physical or psychological danger and he will be under supervision of Probation Officer.

In such view of the matter, this revision application is allowed.

(Vinod Kumar Sinha, J)

AnilKrSinha/-

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