

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.813 of 2018

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1. Rajnish Kumar S/o Arbind Prasad Singh, R/o Vill.- Ratanpur, P.S.-
Nagar, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vikram Deo Singh

For the Respondent/s : Mr. Anil Kumar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 18-09-2018 Heard the parties.

This revision application is directed against the order dated 05.06.2018 passed by the Additional Sessions Judge-cum-Special Judge POCSO Act, NDPS Act and Children court, Begusarai, by which he has rejected the prayer for bail of the petitioner. The petitioner has challenged the aforesaid order on the ground that the petitioner is not named in the F.I.R. and only on the basis of the confessional statement of co-accused his name transpired. Other co-accused persons have been allowed bail by the Hon'ble High Court and the petitioner is languishing in jail custody since 28.02.2018. It has further been submitted that the learned court below has failed to appreciate that the mother of the petitioner is ready to undertake that she will not allow him to be exposed moral, social, physical,



psychological danger act and ready to furnish bail bond with undertaking by the court below.

From perusal of the record it appears that the petitioner is declared juvenile and found to be aged 17 years and 16 days and thereafter was referred before children court where he prayed for bail which has been rejected.

Submission of the learned counsel for the petitioner is that the learned court below has failed to consider that the social investigation report does not disclose as to how he will be exposed indulge in moral, physical or psychological danger and on the other hand, guardian of the petitioner is ready to furnish bail bond with undertaking as directed by the learned court.

Heard the learned A.P.P. also.

Having heard both sides and in view of the facts and circumstances, as stated above, and considering the fact that the petitioner is in custody for more than seven 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 and also considering the facts and circumstances of the case, 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 the Additional Sessions Judge-1st- cum- Special Judge, POCSO Act and children court, Begusarai, in Begusarai Town P.S.Case No.79 of 2018 corresponding to J.J.C.P. Case No.07 of 2018 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.

In such view of the matter, order impugned is set aside and this revision application is allowed.

(Vinod Kumar Sinha, J)

AnilKrSinha/-

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