

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.1171 of 2017

Arising Out of PS. Case No.-60 Year-2016 Thana- ROUH District- Nawada

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Tulsi Yadav @ Tulsi Kumar S/o Dworika Yadav @ Dwarika Yadav @
Dwarika Prasad Yadav, R/o Village- Koniypar, P.S.- Nawada in the District
of Nawada. Under the Guardianship of his father namely Dworika Yadav @
Dwarik Yadav @ Dwarika Prasad Yadav.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Home Department, Govt. of Bihar, Patna.
3. The Principal Secretary, Welfare Department, Govt. of Bihar, Patna.
4. The Member Secretary, Bihar State Legal Services Authority Patna, Bihar

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Navin Sharma
For the Respondent/s : Mr. Sri Ajay Kumar-1

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

6 26-09-2018 Heard.

The petitioner is admittedly a juvenile.

This application has been filed against the order dated 18.10.2017, passed by learned 1st Additional Session Judge, Nawada in S.Tr. (Children) Case No.05 of 2017, whereby an appeal filed by the petitioner for his release on bail has been rejected. The offences which have been alleged to have been committed fall under Sections, 147, 149, 307, 379 and 504 of I.P.C. and Section 27 of the Arms Act. Treating the offence to be heinous, the petitioner has been sent up for trial by Children's Court.



Learned counsel appearing on behalf of the petitioner contends that the petitioner has already remained in custody for more than two years. He further contends that at least one of the co-accused, namely, Pramod Yadav, has been granted regular bail by this Court way back in March 2017 by order dated 18.03.2017, passed in Criminal Misc. No. 11467 of 2017.

Learned Additional Public Prosecutor, appearing on behalf of the State of Bihar, has submitted that since the trial is at advanced stage and two of the prosecution witnesses have already been examined, instead of allowing the petitioner to be released on bail, the outcome of the trial may be awaited.

However, in view of undisputed fact that the petitioner has remained in custody for more than two years, who is admittedly a juvenile, this application deserves to be allowed. The impugned order dated 18.10.2017, passed by learned 1st Additional Session Judge-cum-Special Judge, Nawada in S.Tr. (Children) Case No.05 of 2017 is set aside.

Let the petitioner be released on bail on furnishing affidavit by his father to the effect that he will ensure his presence before the court below as and when required and he will also ensure that the petitioner does not fall in association with any known criminal or is not exposed to moral, physical



and psychological danger, on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each, to the satisfaction of the above court in connection with S.Tr. (Children) Case No.05 of 2017 arising out of Roh P.S. Case No. 60 of 2016.

This application is accordingly allowed with the aforesaid direction.

(Chakradhari Sharan Singh, J)

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