

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.289 of 2018

Arising Out of PS. Case No.-122 Year-2016 Thana- AMNAUR District- Saran

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WASIM AKHTAR ANSARI @ SONU S/o Sarfuddin Ansari Resident of
Village- Nandan Kaituka, P.S. Maker, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh

For the Respondent/s : Mr. Sri Tapeswar Sharma

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

5 26-09-2018 Heard learned counsel for the parties.

The petitioner is admittedly a juvenile, who is facing trial in the Children's Court, Saran at Chapra for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act. He has moved this Court against an order dated 09.02.2018, passed by the learned First Additional Sessions Judge-cum-Children Court, Saran at Chapra in Children case No. 1 of 2018, whereby his prayer for bail has been rejected.

The petitioner is said to have remained in custody for two years and two months in connection with Annour P.S. Case No. 122 of 2016 from which the said Children case No. 1 of 2018 arises.



Earlier his application for release on bail was rejected by this Court by order dated 06.07.2017, passed in Criminal Revision No. 44 of 2017.

Considering the fact that the petitioner has remained in custody for more than two years and is admittedly a juvenile, the Court is not going into the technicality or maintainability of the present criminal revision application, i.e., as to whether the appeal will lie against the Children Court or revision.

Learned counsel for the petitioner has submitted that even if the case of the prosecution is taken to be correct, there is no allegation against the petitioner of making any assault. He has submitted that in similar circumstance another co-accused not a juvenile, has been granted the privilege of anticipatory bail by this Court by order dated 09.11.2017 in Criminal Misc. No. 52784 of 2017 (numan Alam @ Md. Numan Ansari Vs. State of Bihar). He submits that there is nothing to distinguish the petitioner's case with that of Numan Alam @ Md. Numan Ansari (supra).

Considering the above submission, this application is allowed. The impugned order dated 09.02.2018 passed by the First Additional Sessions Judge cum Children Court, Saran at Chapra is set aside.



Let the petitioner be released on bail on furnishing an affidavit by his father to the effect that he will look after the interest of the petitioner and will not allow him to fall in bad company. In addition to the affidavit, the father of the petitioner will also be required to furnish personal bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned First Additional Sessions Judge cum Children Court, Saran at Chapra in Children Case No. 1/2018 arising out of Amnour P.S. Case No. 122/16.

(Chakradhari Sharan Singh, J)

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