

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.589 of 2018

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1. Lalan Kumar Mahto @ Lalan Kumar, Son of Sahdev Mahto, Resident of Village- Kurhadih, P.S.- Sikandra, Dist.- Jamui, under the guardianship of his father.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jainendra Kumar

For the Respondent/s : Mr. Sri Shailendra Kumar -2

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

6 24-09-2018 This revision application has been preferred against the order dated 9.4.2018 passed by the 1st Additional Sessions Judge, Lakhisarai in Halsi P.S.Case no.105 of 2017 (G.R.No.1194 of 2017), by which the prayer for bail of the petitioner was rejected.

Prosecution case in short is that brother of the informant is traceless and his motorcycle is found in abandoned condition.

Learned counsel for the petitioner has submitted that the petitioner is not named in the FIR and his name transpired on confidential information of co-accused Gorelal Mahto.

The learned counsel for the petitioner has also assailed the judgment. The name of the petitioner has transpired only on the confession and he is aged about 17 years, 09 months, and 18



days and the girl has also not named the petitioner and further the petitioner is in custody since 12.11.2017. Furthermore, It has been submitted that there is no social investigation report available on the record to show that there is chance of the petitioner going into contact with the notorious criminals, however, the prayer for bail of the petitioner has been rejected, whereas co-accused person has been granted privilege of the anticipatory bail by a Co-ordinate Bench of this Court, vide order dated 27.3.2018 passed in Cr. Misc. No.9897 of 2018.

Heard learned APP.

Having heard both sides and from perusal of the record, it appears that the age of the boy has been assessed as 17 years, 09 months and 18 days.

The learned children court has dismissed the prayer for bail of the petitioner on the ground that he was involved in crime and on the basis of the confessional statement of the co-accused it appears that the juvenile was in wrong company, however, it appears that no social investigation report was called for and there is absolutely no materials available on the record to show that there is chance of exposing the petitioner mentally, physically and psychologically if he is granted bail. He is in custody since 12.11.2017.



In such view of the matter, this revision application is allowed and the order dated 9.4.2018 passed by the 1st Additional Sessions Judge, Lakhisarai in Halsi P.S.Case no.105 of 2017 is set aside. 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 Juvenile Justice Board, Lakhisarai in connection with Halsi P.S.case No.105 of 2017 (G.R.No.1194 of 2017) with condition that one of the bailors must be his father, who shall undertake that he would prevent him from exposure to social, moral and psychological danger and during the pendency of the case, he shall be under supervision of Probation Officer and if there is adverse report of the Probationer Officer, his bail bond shall be cancelled.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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