

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL REVISION No.136 of 2019**

Arising Out of PS. Case No.-333 Year-2018 Thana- SIWAN MUFFASIL District- Siwan

=====

Bittu Kumar @ Tarkeshwar Raj @ Tarkeshwar Prasad under the Guardianship of his father, son of Sanjay Singh Resident of Village- Hakam, P. S.- Mahadeva O.P., District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

=====

**Appearance :**

For the Petitioner/s : Mr. Raghav Prasad

For the Respondent/s : Mr. Mukeshwar Dayal, A.P.P.

=====

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL**

ORAL ORDER

3      21-05-2019                      Petitioner has preferred this revision application under Section 102 of the Juvenile Justice (Care and Protection of Children) Act against the order dated 04.09.2018 passed by learned 1<sup>st</sup> Additional Sessions Judge-cum-Special Judge, Siwan in Cr. Appeal No. 52 of 2018 by which the order dated 25.07.2018 passed by the learned Juvenile Justice Board, Siwan in J.E. No. 115 of 2018 arising out of Siwan Muffasil P.S. Case No. 333 of 2018 has been confirmed and the prayer of the petitioner for grant of bail has been rejected.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

On the tip-off about congregation of the miscreants at the place of occurrence to commit some crime, police raided the



aforesaid place and apprehended four accused persons including the petitioner and recovered loaded country made pistol, mobile etc. from his possession.

It is submitted by learned counsel for the petitioner that the petitioner has no concern with the aforesaid occurrence. He is a minor. He has been falsely implicated in this case at the instance of his enemy by planting the aforesaid recovery from his possession. No incriminating article has been recovered from conscious physical possession of the petitioner. He has no concern the seized article. Father of the petitioner is ready to take custody and proper care of the petitioner. He has been languishing in custody 12.06.2018.

Learned counsel for the State opposed the prayer of the petitioner.

After hearing the learned counsel for the both the parties and on perusal of the materials available on record, I find substance in the contention of the learned counsel for the petitioner.

Considering the facts and circumstances and period of custody, in my opinion, the impugned order is not fit to be sustained. Hence, the impugned order is set aside. The above named petitioner is directed to be released on bail on furnishing



bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Juvenile Justice Board, Siwan in Siwan Muffasil P.S. Case No. 333 of 2018 on the following terms and conditions:-

(i) One of the bailors will be the father of the petitioner.

(ii) Father of the petitioner will produce the petitioner in the court if and when required.

(iii) The petitioner will not indulge in similar or in any other offence.

(iv) in case of his absence for two consecutive dates or in case of violation of the terms of the bail, his bail bond will be liable to be cancelled by the learned Juvenile Justice Board and he will be taken into custody.

In the result, this application is allowed.

**(Prakash Chandra Jaiswal, J)**

rohit/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

