

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.88 of 2019

Arising Out of PS. Case No.-128 Year-2018 Thana- DUMRA District- Sitamarhi

Nilesh Kumar @ Chhotu, Age 17 years, Gender, Male, son of Ashok Yadav @ Ashok Kumar, Resident of Vill - Mahamadpur, P.S-Bajpatti, Distt.- Sitamarhi under Guardianship of his Father Ashok Yadav @ Ashok Kumar S/o Maheshwar Rai Resident of village -Mahamadpur, P.S-Bajpatti, Distt.- Sitamarhi, Age-49 years, Gender- Male

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Virendra Kumar
For the Respondent/s : Mr.Mohammad Sufyan

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 02-04-2019 Heard learned counsel for the parties.

The present revision application has been preferred by the petitioner against the order dated 08.10.2018 passed by learned 1st Additional Sessions Judge -cum- Spl. Judge (Children Court), Sitamarhi in Cr. Appeal No.37 of 2018/21 of 2018, by which, the appeal of the petitioner for grant of bail against the order dated 10.07.2018 of Juvenile Justice Board, Sitamarhi in Juvenile Justice Board Case No.1263 of 2018 arising out of Dumra P.S. Case No. 128 of 2018 (G.R. No.1335 of 2018) has been dismissed.

Allegation against the petitioner is recovery of one live cartridge and one motorcycle from his possession.



It has been submitted on behalf of the petitioner that he is innocent and has falsely been implicated in this case. It has further been submitted that stolen motorcycle was brought by co-accused Ayush and Aman.

According to the learned counsel for the petitioner, no fruitful purpose will be served if the petitioner is allowed to remain in the Remand Home. It has further been submitted on behalf of petitioner that from the record it does not appear that if the petitioner is released, he will be exposed to mental, physical and psychological danger or is likely to bring him into association with any known criminal.

Considering the above, this revision application is allowed. The order dated 08.10.2018 passed by learned 1st Additional Sessions Judge -cum- Spl. Judge (Children Court), Sitamarhi is set aside.

The petitioner, above named, is directed to be released from the Remand Home on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of like amount each to the satisfaction of learned Principal Magistrate, Juvenile Justice Board, Sitamarhi in Juvenile Justice Board Case No.1263 of 2018 arising out of Dumra P.S. Case No. 128 of 2018 (G.R. No.1335 of 2018) subject to the condition that:-



One of the bailors of the petitioner shall be his father/mother who at the time of filing of the bonds, shall also give an undertaking that he/she will take good care of the petitioner and in case petitioner does not act as per his/her advice, he/she shall report the matter to the office-in-charge of the concerned police station and further during period of bail, the petitioner will be under the supervision of concerned Probation Officer.

This revision application stands allowed.

(S. Kumar, J)

Sanjay/-

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