

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.121 of 2019

Arising Out of PS. Case No.-18 Year-2018 Thana- DUMRA District- Sitamarhi

Nilesh Kumar @ Chhotu S/o Ashok Yadav @ Ashok Kumar Resident of
Village- Mahamadpur, P.S.- Bajpatti, District- Sitamarhi under Guardianship
of his Father Ashok Yadav @ Ashok Kumar, S/o Maheshwar Rai.

... .. 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 PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 20-05-2019 Petitioner has preferred this revision application under Section 53 of the Juvenile Justice (Care and Protection of Children) Act, 2000 against the order dated 11.10.2018 passed by learned 1st Additional Sessions Judge-cum-Spl. Judge (Children Court), Sitamarhi in Cr. Appeal (Juvenile) No. 36 of 2018/20 of 2018 by which the order dated 18.07.2018 passed by the learned Principal Magistrate Juvenile Justice Board, Sitamarhi in connection with Juvenile Justice Board Case No. 1288 of 2018 arising out of Dumra P.S. Case No. 18 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.



Three unknown miscreants are said to have snatched the motorcycle, mobile and cash of Rs. 400 of the informant on the way.

It is submitted by learned counsel for the petitioner that the petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case due to dirty village politics. Allegation levelled against the petitioner is not specific rather general and omnibus in nature. He is neither named in the FIR nor any incriminating article has been recovered from his conscious physical possession. He was not put on T.I.P. Barring Dumra P.S. Case No. 128 of 2018, there is no other case pending against the petitioner and he is on bail in the said case. Father of the petitioner has undertaken to take his custody and all sorts of his care. Petitioner has been languishing in custody since 25.04.2018.

Learned counsel for the State opposed the bail 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 stated above,



in my opinion, the impugned order is not fit to be sustained. Hence, impugned order is set aside. The petitioner abovementioned 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 Principal Magistrate Juvenile Justice Board, Sitamarhi in Juvenile Justice Board Case No. 1288 of 2018 arising out of Dumra P.S. Case No. 18 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)

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