

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.145 of 2019

Arising Out of PS. Case No.-206 Year-2018 Thana- BHORE District- Gopalganj

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Bablu Kumar Ram S/o Lalji Ram Resident of Village- Piyarauta, P.S.- Bhore,
District- Gopalganj. Natural guardian Lalji Ram S/o Ramdat Ram, R/o
Village-Piyarauta, P.S. Bhore, District-Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anirudh Kumar Verma
Mr. Yogesh Mishra
For the Respondent/s : Mr. Zainul Abedin, A.P.P.

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**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 06.12.2018 passed by the learned 1st Addl. Sessions Judge, Gopalganj in Cr. Appeal No. 56 of 2018 by which the order dated 24.09.2018 passed by learned Principal Magistrate Juvenile Justice Board, Gopalganj in J.E. No. 115 of 2018 arising out of Bhore P.S. Case No. 206 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.

Petitioner along with five other accused persons are



said to have assaulted the elder brother and sister-in-law of the informant. Elder brother of the informant succumbed to his injury while hand of his sister-in-law was fractured.

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. Petitioner happens to be minor. Allegation levelled against the petitioner is not specific rather general and omnibus in nature. He has no criminal antecedent and there is no otherwise report of Probation Officer against the petitioner. Maternal uncle of the petitioner is ready to take his custody and all sorts of his care. He has been languishing in custody since 04.07.2018. Similarly situated co-accused, namely, Binda Devi, Ramayan Sah and Jyoti Kumari have been enlarged on anticipatory bail by different co-ordinate Benches of this Court vide order dated 20.12.2018 and 03.12.2018 in Cr. Misc. Nos. 65407 of 2018 and 59819 of 2018 while Lalji Ram and Jaiprakash Ram have been enlarged on regular bail by a co-ordinate Bench of this Court vide order dated 11.01.2019 in Cr. Misc. No. 66308 of 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, Gopalganj in J.E. No. 115 of 2018 arising out of Bhore P.S. Case No. 206 of 2018 on the following terms and conditions:-

(i) One of the bailors will be the maternal uncle of the petitioner.

(ii) Maternal uncle 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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