

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.176 of 2019

Arising Out of PS. Case No.-241 Year-2017 Thana- CHAKIA District- East Champaran

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SUGAN KUMAR @ ABHISHEK KUMAR Late Bihari Sah Resident of
Village - Ahirwaliya, P.S. - Chakiya, District - East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Hans Lal Kumar
For the Respondent/s : Mr.Shailendra Kumar

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

ORAL ORDER

- 4 21-05-2019 1. Petitioner has preferred this revision application under Section 53 of the Juvenile Justice (Care and Protection of Children) Act, 2000 against the order dated 03.12.2018 passed by learned Additional Sessions Judge, IXth East Champaran at Motihari in Cr. Appeal No. 51 of 2018 by which the order dated 17.07.2018 passed by the learned Juvenile Justice Board, East Champaran at Motihari in connection with Juvenile Justice Board Trial No. 1003 of 2018, arising out of Chakia P.S. Case No. 241 of 2017 (G.R. No. 5529 of 2017) has been confirmed and the prayer of the petitioner for grant of bail has been rejected.
2. Heard the learned counsel for the petitioner and the learned A.P.P. for the State.



3. Father of the informant after withdrawing money from the bank went to the house of the petitioner but did not regress and on the following morning his dead body was found in front of the house of the petitioner. Bone of contention is said to be the protest made by the deceased against illegal activities of the petitioner and his mother.

4. It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. Petitioner has been falsely implicated in the case due to dirty village politics. There is no eye witness of the occurrence. No one has seen the deceased entering in the house of the petitioner. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. Petitioner happens to be student and is a person of good character. He has no criminal antecedent. Maternal aunt of the petitioner is ready to take custody and proper care of the petitioner. He has been languishing in custody since 12.01.2018. Mother of the petitioner namely Most. Kalawati Kuar has been enlarged on anticipatory bail by co-ordinate Bench of this Court in Cr. Misc. No. 19964 of 2018 vide order dated 27.03.2018.

5. Learned A.P.P. for the State opposed the prayer of the petitioner.



6. 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.

7. Considering the facts and circumstances stated above, in my opinion, the impugned order is not fit to be sustained. Hence, the 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 Juvenile Justice Board, East Champaran, Motihari in connection with Juvenile Justice Board Trial No. 1003 of 2018 arising out of Chakia P.S. Case No. 241 of 2017 (G.R. No. 5529 of 2017) on the following terms and conditions:-

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

(ii) Maternal aunt 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.

8. In the result, this application is allowed.

(Prakash Chandra Jaiswal, J)

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