

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.175 of 2019

Arising Out of PS. Case No.-419 Year-2018 Thana- CHAPRA TOWN District- Saran

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AMIT KUMAR @ AMIT KUAMR Suresh Kumar Mehta Resident of village-
Taraiya Usari Bazar, Police Station-Taraiya, District-Saran (Chapra) under the
Guardianship of his father Shri Suresh kumar Mehta Son of Dev Narayan
Mehta

... .. Petitioner/s

Versus

The State of Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sachida Nand Rai, Advocate

For the Respondent/s : Mr.Mukesh Kumar Singh, A.P.P.

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

ORAL ORDER

2 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 31.10.2018 passed
by learned 1st Additional Sessions Judge, Saran at Chapra in
Criminal (Juvenile) Appeal No. 52 of 2018 by which the order
dated 20.08.2018 passed by the learned Juvenile Justice Board,
Chapra, District- Saran in connection with Juvenile Justice
Board Case No. 1553 of 2018, arising out of Chapra Town P.S.
Case No. 419 of 2018 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. During course of vehicle checking by the informant five motorcycle borne criminals were apprehended and from possession of the petitioner one loaded country made pistol and one live cartridge were recovered.

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 at the instance of his enemy. No incriminating article has been recovered from the conscious physical possession of the petitioner. He has no concern with the seized articles. He has no criminal antecedent. He has been languishing in custody since 27.07.2018. Father of the petitioner who happens to be natural guardian of the petitioner is ready to take custody and proper care of the petitioner.

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, Saran at Chapra in connection with Juvenile Justice Board Case No. 1553 of 2018 arising out of Chapra Town P.S. Case No. 419 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.

8. In the result, this application is allowed.

(Prakash Chandra Jaiswal, J)

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