

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.253 of 2019**

Arising Out of PS. Case No.-127 Year-2018 Thana- BISHWAMBHARPUR District-
Gopalganj

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Sandeep Kumar Gond under guardian ship of his natural guardian Rajeshvar Gond @ Rajeshwar sah and well-wishers S/o Rajeshvar Gond @ Rajeshwar Sah R/o Village- Rampr Bangra, P.S.- Tareya Sujan, District- Kushinagar (U.P.).

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Anant Kumar Bhaskar Dr. Rajesh Kr. Singh
For the Respondent/s	:	Mr. Mukeshwar Dayal, A.P.P.

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

ORAL ORDER

3 22-05-2019 Petitioner has preferred this revision application under Section 53 of the Juvenile Justice (Care and Protection of Children) Act-2015 against the order dated 30.01.2019 passed by learned Sessions Judge, Gopalganj in Cr. Appeal No. 9 of 2019 by which the order dated 09.01.2019 passed by the learned Principal Magistrate, J.J. Board, Gopalganj in J.E. No. 157 of 2018 arising out of Bishambharpur P.S. Case No. 127 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 and other accused persons are said to have



been apprehended along with stolen motorcycle.

It is submitted by learned counsel for the petitioner that the petitioner has no concern with the aforesaid occurrence of stealing the motorcycle and possessing it. He is a minor. He has been falsely implicated in this case. Petitioner happens to be pillion rider of the said motorcycle and was travelling on it taking lift on the way without any knowledge of the same to be stolen one and on the way he was apprehended by the police. Petitioner has no criminal antecedent and has been languishing in custody since 06.11.2018. Father of the petitioner is ready to take custody and proper care of the petitioner.

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, the impugned order is set aside. The above named petitioner 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, J.J. Board,
Gopalganj in connection with Bishambharpur P.S. Case No. 127
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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