

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.336 of 2019

Arising Out of PS. Case No.-293 Year-2018 Thana- BHORE District- Gopalganj

MIRHASSAN MANSURI @MIR HASSAN MIAN @MD MIRASAN MANSURI @ MIRASAN MANSURI @MIRHASAN ANSARI Son of Molajim Mian @ Mulajim Miya Resident of Village - Bankata Khas, P.S.- Bhorey, District - Gopalganj. Through his father and natural guardian Molajim Mian @ Mulajim Miya, son of Ramjan Miyan, resident of Bankata Khas, P.S.- Bhorey, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Lokesh Kumar Singh
For the Respondent/s : Mr.Uday Chand Prasad

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 23-05-2019 1. Petitioner has preferred this revision application under Section 102 of the Juvenile Justice (Care and Protection of Children) Act, 2015 against the order dated 22.01.2019 passed by learned Sessions Judge, Gopalganj in Cr. Appeal No. 04 of 2019 by which the order dated 03.01.2019 passed by the learned Juvenile Justice Board, Gopalganj in J.E No. 173 of 2018 arising out of Bhorey P.S. Case No. 293 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. Petitioner and one other accused namely Jamal



Mian facilitated the kidnapping of the minor daughter of the informant by Raj Mohammad along with ornaments and cash worth Rs, 2,50,000/-.

4. It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He has no concern with the aforesaid occurrence. Petitioner has been falsely implicated in the case merely because he happens to be friend and neighbour of accused Raj Mohammad. Only allegation levelled against the petitioner is facilitating the kidnapping of the victim by his friend Raj Mohammad. He has no criminal antecedent. No incriminating article has been recovered from his conscious physical possession. He is a minor. He has been languishing in custody since 15.12.2018. Father of the petitioner is ready to take his custody and proper care.

5. Learned counsel 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 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, Gopalganj in connection with Bhorey P.S. Case No. 293 of 2018, on the following terms and conditions:-

(i) One of the bailors will be the father of the petitioner (minor).

(ii) Father of the petitioner (minor) 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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