

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.354 of 2019

Arising Out of PS. Case No.-62 Year-2018 Thana- PARSAUNI District- Sitamarhi

MANISH KUMAR, age about 18 years, (M), Son of Ram Chandra Rai,
Resident of Village - Vishawanathpur, P.S.- Dumra, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Adv.

For the Respondent/s : Mr.Raj Ballabh Singh (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 03-04-2019

Heard learned counsel for the parties.

The present revision application has been preferred by the petitioner against the order dated 02.02.2019 passed by learned 1st Additional Sessions Judge Sitamarhi, in Criminal Appeal No. 72 of 2018 as well as order dated 29.10.2018 passed by learned Juvenile Justice Board, Sitamarhi, in connection with Parsauni P.S. Case No. 62 of 2018, corresponding to J.J. Board No. 1424 of 2018 registered under sections 319, 402 and 414 of the Indian Penal Code and have been dismissed.

Informant has alleged that on 19.09.2018 during patrolling duty, on a tip off that four miscreants have assembled near the house of one Rambabu Patel and are making preparation for committing serious crime, the informant along with police force reached to the place of occurrence and seeing the



police force miscreants started fleeing away after leaving their motorcycles. On chase all four miscreants including petitioner were apprehended by the police and two stolen motorcycles were recovered from their possession.

It has been submitted on behalf of the petitioner that he is innocent and has falsely been implicated in this case only on the basis of suspicion. No incriminating articles has been recovered from the possession of the petitioner. Petitioner is in custody since 20.09.2018.

According to the learned counsel for the petitioner, no fruitful purpose will be served if the petitioner is allowed to remain in the Remand Home. It has further been submitted on behalf of petitioner that from the record it does not appear that if the petitioner is released, he will be exposed to mental, physical and psychological danger or is likely to bring him into association with any known criminal.

Considering the above, this revision application is allowed. The order dated 02.02.2019 passed by learned 1st Additional Sessions Judge Sitamarhi, in Criminal Appeal No. 72 of 2018/41 of 2018 and order dated 29.10.2018 passed by learned Juvenile Justice Board, Sitamarhi, in connection with Parsauni P.S. Case No. 62 of 2018, corresponding to J.J. Board



No. 1424 of 2018 are set aside.

The petitioner, above named, is directed to be released from the Remand Home on his furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of like amount each to the satisfaction of learned Juvenile Justice Board, Sitamarhi, in connection with Parsauni P.S. Case No. 62 of 2018, corresponding to J.J. Board No. 1424 of 2018, subject to condition that :

One of the bailors of the petitioner shall be his father/mother who at the time of filing of the bonds, shall also give an undertaking that he/she will take good care of the petitioner and in case petitioner does not act as per his/her advice, he/she shall report the matter to the officer-in-charge of the concerned police station and further during period of bail, the petitioner will be under the supervision of concerned Probation Officer.

This revision application stands allowed.

(S. Kumar, J)

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