

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.313 of 2019

Arising Out of PS. Case No.-121 Year-2017 Thana- PANAPUR District- Saran

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Prem Kumar Son of Ganesh Manjhi under natural guardianship of his father
Resident of Village - Sahnawajpur, P.S.- Panapur, District - Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shambhu Prasad Yadav

For the Respondent/s : Mr. Mukeshwar Dayal, A.P.P.

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

ORAL ORDER

3 23-05-2019 Petitioner has preferred this revision application under Section 53(1) of the Juvenile Justice (Care and Protection of Children) Act against the order dated 28.01.2019 passed by learned 1st Additional Sessions Judge, Saran at Chapra in Cr. (Juvenile) Appeal No. 04 of 2019 by which the order dated 03.01.2019 passed by learned Principal Magistrate, Juvenile Justice Board, Chapra in J.J.B. Case No. 761 of 2019 arising out of Panapur P.S. Case No. 121 of 2017 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.

Sister of the informant, namely, Sangita was found
having mobile phone of one Pinki Kumari which was snatched



by the informant and later on his sister was found missing from her house in the night and her dead body was found on the bank of river on the following day.

It is submitted by learned counsel for the petitioner that the petitioner is not named in the FIR. Petitioner is minor. There is nothing on record indicating complicity of the petitioner in the occurrence. Petitioner has been falsely implicated in this case merely on suspicion. No incriminating article has been recovered from conscious physical possession of the petitioner. There is no eye witness of the occurrence. Father of the petitioner is ready to take custody and proper care of the petitioner. Petitioner has no criminal antecedent and has been languishing in custody since 10.09.2018.

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 of the case, 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 Juvenile Justice Board, Saran at Chapra in connection with Panapur P.S. Case No. 121 of 2017 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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