

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.424 of 2019

Arising Out of PS. Case No.-661 Year-2014 Thana- HAJIPUR District- Vaishali

MD. SAMIR @ MD. SAMIR QURAISHI Son of Md. Ekbal @ Md. Iqbal Quraishi, Resident of Mohalla- Nakhas Chowk, Konhara Road, Police Station- Hajipur Town, District- Vaishali, under guardianship of his mother namely Husna Bano.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Javed Aslam
For the Respondent/s	:	Mr. Ram Sumiran Rai

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 05-04-2019 Heard learned counsel for the parties.

The present revision application has been preferred by the petitioner against the order dated 26.02.2019 passed by learned Sessions Judge, Vaishali at Hajipur in Cr. Appeal No. 05 of 2019 by which the appeal of the petitioner for grant of bail against order dated 05.01.2019 passed by learned Principal Magistrate and members of Juvenile Justice Board, Vaishali at Hajipur in G.R. No. 3726 of 2014, T.R. 957 of 2018 arising out of Hajipur Town P.S. Case No. 661 of 2014 has been dismissed.

Informant is the mother of deceased who has alleged that on 01.08.2014 at 10.00 AM Md. Samir (petitioner) and other co-accused came to her house in search of her eldest son



Md. Islam. The accused persons threatened to kill Md. Islam on the allegation that he committed theft of Rs. 5,000/-. She further alleged that the accused persons took her younger son Md. Sohail Khan with them and brutally assaulted him. Her son Md. Sohail Khan came back. Thereafter she along with her son went in search of Md. Islam and found his dead body in a forest situated near a soap factory.

It has been submitted on behalf of the petitioner that petitioner is innocent and has been falsely implicated in this case only on suspicion. It has been further submitted that occurrence took place on 01.08.2014 and FIR was lodged on 03.08.2014. There is no eye witness of the occurrence. It has been further submitted that similarly placed co-accused have been granted bail as contained in Annexure-3. Petitioner has no criminal antecedent and he is in custody since 05.12.2018.

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 been further submitted on behalf of the 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 26.02.2019 passed by learned Sessions Judge, Vaishali at Hajipur in Cr. Appeal No. 05 of 2019 as well as order dated 05.01.2019 passed by learned Principal Magistrate and members of Juvenile Justice Board, Vaishali at Hajipur in G.R. No. 3726 of 2014, T.R. 957 of 2018 arising out of Hajipur Town P.S. Case No. 661 of 2014 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 Juvenile Justice Board, Vaishali at Hajipur, in connection with G.R. No. 3726 of 2014, T.R. 957 of 2018 arising out of Hajipur Town P.S. Case No. 661 of 2014, 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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