

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1337 of 2018

Arising Out of PS. Case No.-184 Year-2018 Thana- RAMPUR District- Gaya

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Md. Abdullah @ Abdullah Ansari S/o Sohel Ansari Resident of Mohalla-
White House Compound,Road No.1,P.S. Rampur,Distt.-Gaya under the
Guardianship of Enam Ahmad S/o Late Badaruddin Ansari,Mohalla-
Kalami,Aurangabad,P.S. AurangabadTown,Distt.-Aurangabad

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar

For the Respondent/s : Mr.Dr. Ajeet Kumar

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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 05.10.2018 passed by learned 1st Additional Sessions Judge, Gaya in Cr. Appeal (Juvenile) No. 80 of 2018 by which the appeal of the petitioner for grant of bail against order dated 16.08.2018 passed by learned Juvenile Justice Board, Gaya in Rampur P.S. Case No. 184 of 2018 (G.R. No. 3376 of 2018, Misc. No. 107 of 2018) has been dismissed.

Informant has alleged that on 21.05.2018 at about 6.30 PM while she was at her home with her family members and preparing for Roja Iftar, petitioner alongwith FIR named accused persons entered into her house armed with weapons and



abused her and her family members. Thereafter on the instigation of Shabbu, co-accused Shahrukh and Sohail Ansari hit her son Nabeel Ahmad with iron rod on his head and Shahnwaj @ Shannu hit him with the butt of the pistol due to which he fell down. In the meantime, co-accused Sabbu assaulter her another son Arbab Khan on head with a wood fixed with iron nails and thereafter Abdullah (petitioner) hit him on his head with iron rod due to which he was badly injured and after that accused persons fled away threatening them at the point of pistol. Thereafter all the injured persons were taken to Hospital and during the course of treatment her son Md. Nabeel died and her second son is under treatment.

It has been submitted on behalf of the petitioner that petitioner is innocent and has been falsely implicated in this case due to enmity. It has been further submitted that occurrence took place on 21.05.2018 but FIR was lodged on 25.05.2018 after delay of four days without any explanation. No incriminating material has been recovered from the possession of petitioner. It has been further submitted that other co-accused, namely Md. Sah Asjad Hussain @ Shabbu has been granted bail vide order dated 07.03.2019 passed in Cr. Misc. No. 1362 of 2018. Petitioner has no criminal antecedent and he is in custody



since 05.06.2018.

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 05.10.2018 passed by learned 1st Additional Sessions Judge, Gaya in Cr. Appeal (Juvenile) No. 80 of 2018 as well as order dated 16.08.2018 passed by learned Juvenile Justice Board, Gaya in Rampur P.S. Case No. 184 of 2018 (G.R. No. 3376 of 2018, Misc. No. 107 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 1st Addl. Sessions Judge, Gaya, in connection with Rampur P.S. Case No. 184 of 2018 (G.R. No. 3376 of 2018, Misc. No. 107 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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