

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.418 of 2019

Arising Out of PS. Case No.-885 Year-2017 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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Nitesh Kumar @ Nitish Kumar, Son of Hari Paswan, under the guardianship
of his father, Resident of Village - Chhitarpatti, P.S.- Minapur, District -
Muzaffarpur.

... .. Revisionist/Petitioner

Versus

The State of Bihar.

... .. Opposite Party.

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Appearance :

For the Petitioner/s : Mr.Mahesh Prasad, Advocate

For the Respondent/s : Mr.Satya Nand Shukla, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 27-05-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner is aggrieved by the order dated 19.02.2019
passed by learned 1st Additional Sessions Judge-cum-Special
Judge ‘Child’, Muzaffarpur, in connection with Town P.S. Case
No.885 of 2017 in Trial No.12 of 2018 whereby he has rejected
the application for bail.

Petitioner is in custody since 27.11.2017 for the
offences under Sections 401, 414, 420, 201 & 34 of the Indian
Penal Code read with Section 20(B) of the N.D.P. S. Act.

Learned counsel for the petitioner submits that in the
instant case nothing was recovered from the conscious
possession of the petitioner. Allegation against the petitioner is
that he was sitting on the motorcycle, in which 1 Kg Ganja was



kept in a plastic carry bag.

The application for bail was rejected by the learned trial court on the ground that petitioner was sitting on the stolen motorcycle and on demand, documents was not produced and from the social investigation report, it appears that two other cases were pending against the petitioner and as such, considering pending cases against him and apprehension that he may join the hands of the criminal and commit such types of offences, the Court declined to grant bail to the petitioner.

From the perusal of the order dated 19.02.2019, the Court does not find that proper social investigation was done in the instant case and only because he is involved in other cases the application of bail was rejected.

Considering the totality of the fact situation and the fact that petitioner is in custody since 27.11.2017, the Court is inclined to allow this application and accordingly, the instant application is allowed and the order dated 19.02.2019 passed by learned 1st Additional Sessions Judge-cum-Special Judge 'Child', Muzaffarpur, is set aside. Let the petitioner, above named, 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 1st Additional Sessions Judge-cum-



Special Judge ‘Child’, Muzaffarpur, in connection with Town
P.S. Case No.885 of 2017 in Trial No.12 of 2018 with the
condition that the bailors should be the natural guardian/family
member of the petitioner.

(Anil Kumar Upadhyay, J)

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