

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.1153 of 2018

Arising Out of PS. Case No.-486 Year-2017 Thana- BHAGWAN BAZAR District- Saran

Prakash Kumar Son of Munna Prasad, through his natural guardian Bina Devi, W/o Munna Prasad, Resident of At- Sahebganj Sonarpatti, P.S.- Chhapra Town, District Saran at Chhapra.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Yashraj Bardhan

For the Respondent/s : Mr. Mr. Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

5 06-02-2019 Heard learned counsel for the parties.

The present revision application has been preferred by the petitioner against the order dated **25.08.2018**, passed by **learned Additional Sessions Judge, Saran at Chapra**, in **Cr. (Juvenile) Appeal No. 35 of 2018**, by which, the appeal of the petitioner for grant of bail against the order dated **20.06.2018 of Juvenile Justice Board, Saran in J.J. Board Case No.1427 of 2018 arising out of Bhagwan Bazar P.S. Case No. 486 of 2017**, has been dismissed.

Informant in his written complaint has stated that he and his brother-in-law Awatar Singh in connection with business of gold and jewellery had come to Chapra on 24.11.2017 and when they reached near bus stand on Rickshaw then six



unknown miscreants boarded on three motorcycle fired from behind which hit his brother-in-law on account of which he fell down and the miscreants after snatching bags from them fled away. His brother-in-law Awatar Singh was taken to Hospital where he was declared brought dead. FIR is against unknown.

It has been submitted on behalf of the appellant that he is innocent and has been falsely implicated in this case on mere suspicion. It has been submitted on behalf of the appellant that co-accused Mukesh Kumar and Nandan Kumar have disclosed the name of petitioner in their confessional statement as they are having inimical terms with the appellant. Similarly, situated co-accused person namely Amit Kumar has been granted bail by a co-ordinate bench of this Court vide order dated 16.08.2018 passed in Criminal Miscellaneous No. 40900 of 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.

Considering the above, this revision application is



allowed. The order dated **25.08.2018**, passed by learned **Additional Sessions Judge, Saran at Chapra, in Cr. (Juvenile) Appeal No. 35 of 2018**, is set aside.

The petitioner, named above, is directed to be released from the Remand Home on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of like amount each to the satisfaction of learned **Principal Member, Juvenile Justice Board, Saran at Chhapra**, in connection with **J.J. Board Case No.1427 of 2018 arising out of Bhagwan Bazar P.S. Case No. 486 of 2017** subject to the 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 office-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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