

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1236 of 2018

Arising Out of PS. Case No.-292 Year-2018 Thana- BIHARSHARIF District- Nalanda

Raushan Kumar @ Anna Kumar S/o Mithlesh Gope @ Mithlesh Yadav, who guardian of aforesaid Raushan Kumar @ Anna Kumar, Resident of Village- Chhoti Pahari, Sohsarai Musepur, P.S.- Sohsarai, District- Nalanda at present resident of Village- Tikulipar, P.S.- Bihar, District- Nalanda Bihar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Singh
For the Respondent/s : Mr.Sri Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

4 27-02-2019 Heard learned counsel for the parties.

The present revision application has been preferred by the petitioner against the order dated 20.09.2018 passed by learned 1st A.D.J.-cum- Special Judge, Nalanda, in Juvenile Appeal No. 12 of 2018 J.J.B. Case No. 279 of 2018, Bihar P.S. Case No. 292 of 2018 has been dismissed.

As per F.I.R. informant has alleged that on 21.06.2018 at 4 P.M. he had gone to Biharsharif with his cousin brother Ankit Kumar on Scooty. In the meantime, petitioner and other co-accused arrived there. It is further alleged that co-accused Gautam Kuamr demanded the key of the Scooty from his cousin brother and on denial the accused persons started assaulting his brother. Thereafter co-accused Gaurav assaulted on his temple with a pointed iron rod. Allegation against



petitioner is that he assaulted with iron rod on his hand and caused fracture injury. It is further alleged that considering his brother to be dead, the accused persons fled away, The injured was taken to hospital where he was declared to be dead.

It has been submitted on behalf of the petitioner that he is innocent and has falsely been implicated in this case. There is only allegation against this petitioner that he assaulted by iron rod on his hand which is not cause of death. The cause of death is head injury said to be caused by co-accused Gaurav Kumar.

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 or is likely to bring him into association with any known criminal.

Learned counsel for the informant has opposed the prayer for bail.

Considering the above, this revision application is allowed. The order dated 20.09.2018 passed by learned 1st Additional Sessions Judge-cum-Special Judge, Nalanda at Bihar



Sharif, in Connection with Bihar P.S. Case No. 292 of 2018 passed in J.J.B. Case No. 279 of 2018 is 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 learned Juvenile Justice Board, Nalanda, in connection with J.J.B. Case No. 279 of 2018, Bihar P.S. Case No. 292 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)

Rajiv/-

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