

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1362 of 2018

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

=====

Md. Sah Asjad Hussain @ Shabbu Son of Sahnawaj Hussain Resident of
Village- White House Compound, P.S. Rampur, District- Gaya through his
legal guardian his mother Dilshad Zeenat w/o Md. Sahnawaj Hussain, PS
Rampur, District Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Vijay Anand
For the Respondent/s : Mr.Sri Binod Kumar 2

=====

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

4 07-03-2019 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 Additional Sessions Judge-1st, Gaya in **Cr. Appeal**
No. 85 of 2018 arising out of G.R. No. 3376 of 2018 of
Rampur P.S. Case No. 184 of 2018, by which, the appeal of the
petitioner for grant of bail against the order dated **16.08.2018 of**
Juvenile Justice Board, Gaya in Misc. Case No.107 of 2018
arising out of G.R. Case No. 3376 of 2018 of Rampur P.S.



Case No. 184 of 2018, has been dismissed.

The prosecution case as per the written complaint of the Informant is 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 along with FIR named accused all of a sudden entered into her house armed with weapons and abused her and her family members. After that on the command of Shabbu accused Sahrukh and sohail Ansari hit her son Nabeel Ahmad with iron rod on his head and Shannu @ Sahnawaj hit him with the butt of the pistol due to which he fell down. In the meantime petitioner CICAL Sabbu assaulted her another son Arbab Khan on head with a wood fixed with iron-nails & CICAL Abdullah hit him on head with iron rod due to which he was badly injured and after that the accused fled away threatening them at the point of pistol. Thereafter all the injured persons were taken to Hospital and during the course of treatment Md. Nabeel Ahmad died and her second son Arbab Khan is under treatment.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case. It has further been submitted that there is delay in lodging the FIR. No incriminating material has been recovered from the possession



of the petitioner. Petitioner has got no criminal antecedent and is in custody since 02.06.2018.

Learned counsel for the Informant vehemently opposes the prayer for bail.

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 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 Additional Sessions Judge-1st, Gaya in Cr. Appeal No. 85 of 2018 arising out of G.R. No. 3376 of 2018 of Rampur P.S. Case No. 184 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, Gaya**, in connection with **Misc. Case No.107 of 2018 arising out of G.R. Case No. 3376 of 2018 of Rampur**



P.S. Case No. 184 of 2018 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)

ranjan/-

U			
---	--	--	--

