

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.1293 of 2018

Arising Out of PS. Case No.-7 Year-2017 Thana- NAGARNAUSA District- Nalanda

Vinay Kumar @ Binni @ Vicky S/o Sanjay Gope, resident of Village-
Mustafapur, P.S. Telmar (Harnaut), District- Nalanda under Guardianship of
his father Sanjay Gope, S/o Late Devsharan Gope, resident of Village-
Mustafapur, P.S.- Telmar (Harnaut), District- Nalanda.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rajeev Kumar, Adv.
For the Respondent/s : Mr.Md. Sufiyan (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 16-01-2019 Heard learned counsel for the parties.

The present revision application has been preferred by the petitioner against the order dated 07.09.2018 passed by learned 1st Additional Sessions Judge, Nalanda at Biharsharif, in Children 07 of 2018 by which appeal of the petitioner for grant of bail against the order dated 41.03.2018 passed by Principal Member, learned Juvenile Justice Board, in connection with Nagarnausa P.S. Case No. 07 of 2017 has been dismissed.

Informant who is father of the deceased has alleged in his written complaint that he had performed marriage of his daughter Sanju Kumari with co-accused Nitish Kumar on 24.05.2015 according to Hindu rituals. The daughter of the informant started living in her sasural. It has been further alleged that the accused persons started torturing his daughter



on the ground of being not beautiful and husband was not liking her. The accused persons including the petitioner used to threatened that she would be killed any time. Thereafter, the informant brought his daughter to his house but on 23.01.2017, the accused persons came to the house of the informant and forcibly took away after Bidai of his daughter and in the way, they killed her by inflicting multiple dagger blows. On hulla, the informant also reached at the place of occurrence and saw the dead body of his daughter.

It has been submitted on behalf of the petitioner that he is innocent and has falsely been implicated in this case. It has further been submitted that there is general and omnibus allegation against the petitioner. No specific allegation attributed against him. There is no eye-witness of the alleged occurrence the petitioner is said to be maternal Dewar of the deceased.

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 07.09.2018 passed by learned 1st Additional Sessions Judge, Nalanda at Biharsharif in Children 07 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 Principal Member, Juvenile Justice Board, Nalanda, in connection with Nagarnausa P.S. Case No. 07 of 2017, 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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