

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.997 of 2019

Arising Out of PS. Case No.-40 Year-2018 Thana- PAWANA District- Bhojpur

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BHANU KUMAR @ BHANU KAHAR @ PRABHU KANT KUMAR, aged about 16 years, Male, through Rajendra Kahar, son of Late Tunmun Kahar in the capacity of Father Natural Guardian of Minor who is and has been declared Minor by the Juvenile Justice Board, Resident of Village - Dhobahan, P.S.- Pawana, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Md. Ataul Haque, Adv.

For the Respondent/s : Mr.Shyam Kumar Singh (APP)

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 11-12-2019 Heard learned counsel for the parties.

The present revision application has been preferred by the petitioner against the order dated 04.07.2019, passed by learned Additional Sessions Judge-1st, Bhojpur at Ara in Cr. Appeal (Juvenile) No. 23 of 2019 arising out of Pawna P.S. Case No. 40 of 2018 dated 19.07.2018 under Sections 302 and 34 of the Indian Penal Code by which the learned 1st Additional Sessions Judge, Bhojpur at Ara, rejected the prayer for bail and confirmed the order dated 16.03.2019 passed by



the learned Juvenile Justice Board, Ara in J.J.B. No. 1397 of 2018.

Informant has alleged that on 18.07.2018 at about 8:30 P.M., while he was on his way to listen story of Srimad Bhagwat Katha in village and as he reached ner the house of Vijay Kahar he saw that some persons had assembled there and he was also going on roof and when was on stair case then he saw that co-accused including petitioner were coming down from roof he found that his son Sunny Pandey lying on the roof in unconscious and injured condition and his hands and mouth were tied by cloth.

It has been submitted on behalf of the petitioner that he is innocent and has committed no offenc. The name of the petitioner has surfaced on the basis of confessional statement of co-accused Ranjeet Kumar @ Fitu. One of the co-accused namely Deepak Sah who is major has been granted bail by this court vide order dated 14.03.2019 passed in Cr. Misc. No. 80465 of 2018. Petitioner has no criminal antecedent.

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 04.07.2019 passed by learned Additional Sessions Judge-1st, Bhojpur at Ara in Cr. Appeal (Juvenile) No. 23 of 2019 arising out of Pawna P.S. Case No. 40 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 Juvenile Justice Board, Ara, in connection with J.J. Board Case No. 1397 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)

Rajiv/-

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