

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.24 of 2019

Arising Out of PS. Case No.-20 Year-2018 Thana- SARMERA District- Nalanda

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Gaurav Kumar Singh@ Gaurav Singh @ Dharmendra Kumar Anil Singh
resident of Bari Malawan,P.S-Sarmera, Distt.-Nalanda.

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rana Baljit Singh
For the Respondent/s : Mr.Sri Binod Kumar

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 03-04-2019 Heard learned counsel for the parties.

The present revision application has been preferred by the petitioner against the order dated 19.11.2018 passed by learned 1st Additional Sessions Judge cum special Judge, Nalanda at Biharsharif, in Cr. Appeal No. 8 of 2018 by which the appeal of the petitioner for grant of bail against order dated 26.07.2018 passed by Juvenile court (JJB), Nalanda at Biharsharif in connection with JJB Case No. 253 of 2018 arising out of Sarmera P.S. Case No. 20 of 2018 has been dismissed.

Informant has alleged that his brother was called on mobile by three named accused persons and when he did not come back for a very long time, he inquired about his brother and alleged that petitioner and other co-accused have kidnapped his brother because on the occasion of Saraswati Puja, when a



cultural function was being organized in the village, the brother of the informant had quarrelled with the petitioner and other co-accused and petitioner had threatened to kill him. After the recovery of the dead body, informant suspected by hatching conspiracy his brother has been killed by petitioner and others.

It has been submitted on behalf of the petitioner that petitioner is innocent and has been falsely implicated in this case on suspicion. There is no eye witness of the occurrence. Petitioner has no criminal antecedent and he is in custody since 03.07.2018.

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 been further submitted on behalf of the 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.

Considering the above, this revision application is allowed. The order dated 19.11.2018 passed by learned 1st Additional Sessions Judge cum special Judge, Nalanda at Biharsharif, in Cr. Appeal No. 8 of 2018 as well as order dated 26.07.2018



passed by Juvenile court (JJB), Nalanda at Bihar Sharif in connection with JJB Case No. 253 of 2018 arising out of Sarmera P.S. Case No. 20 of 2018 are 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 court, Nalanda at Bihar Sharif in JJB Case No. 253 of 2018 arising out of Sarmera P.S. Case No. 20/18 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)

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