

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1193 of 2019

Arising Out of PS. Case No.-247 Year-2019 Thana- DUMRAO District- Buxar

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ADITYA PATHAK @ ADITYA KUMAR PATHAK @ GOLU PATHAK,
aged about 17 years, under Guardianship of his father Krishna Nand Pathak,
aged about 33 years, Son of Askrit Pathak, present address resident of village
Chanakyapuri, Ward No. 05, P.S. Dumraon, District Buxar, permanent address
resident of village Nenua, P.S. Dumraon, District Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha, Advocate
For the Respondent/s : Mr. Dinesh Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 05-12-2019 Heard the parties.

The FIR of the occurrence of robbery of motorcycle is against unknown. The robbed motorcycle was recovered when the petitioner and co-accused Rohit Dubey were carrying the same. Rohit Dubey was allowed bail by a Coordinate Bench of this Court vide order dated 17.10.2019 passed in Cr. Misc. No. 63321 of 2019 on the ground that he was never put on TI Parade during investigation of the case and only material was suspicion to have robbed.

Considering the aforesaid fact there was no reason for the Juvenile Justice Board in J.J.B. Case No. 574 of 2019 arising out of Dumraon P.S. Case No. 247 of 2019 or to the



learned lower appellate court in Cr. Appeal No. 59 of 2019 to refuse the prayer for bail to the petitioner especially when the petitioner was carrying no criminal antecedent. The reasons assigned for refusal of the prayer for bail that there is chance and possibility of the petitioner going into association of the criminal is based on no material. Hence, orders of both the courts below dated 06.09.2019 and 29.07.2019 respectively stands hereby set aside and this application is allowed.

Let the petitioner be released on execution of surety bond by one of the parents of the petitioner giving undertaking that he would maintain proper care on upkeep of the petitioner and shall fully cooperate in the inquiry before the court in connection with Dumraon P.S. Case No. 247 of 2019 pending in the court of learned Juvenile Justice Board. Buxar.

(Birendra Kumar, J)

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