

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL REVISION No.273 of 2020

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

Vipul Kumar @ Vipul Tiwari S/o Prakash Tiwari @ Saral Tiwari @ Sri Prakash Tiwari Resident of Village- Chhotaki Nainijore, P.S.- Brahmpur, District- Buxar, under the guardianship of His father Prakash Tiwari @ Saral Tiwari @ Shri Prakash Tiwari and address as above. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ashwini Kumar Rai

For the Respondent/s : Mr.Bharat Bhushan (App156)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

2 04-06-
2020

Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

The petitioner has preferred this criminal revision against the orders passed by the first Additional District and Sessions Judge cum Special Judge, Buxar in Cr. Appeal No. 112 of 2019 dated 5.2.2020 and J.J.B, Buxar passed in J.J.B. Case No. 624 of 2019 arising out of Dumraon P.S. Case No. 247 of 2019.

The application for bail of the petitioner was rejected by the JJB, Buxar. The appellate court dismissed the application for bail on the ground that the social investigation report indicates that the petitioner may join bad company and he may also become a problem to the society but neither the J.J.B. nor the appellate court has considered the two important fact; firstly that the petitioner was not named in the FIR and secondly he has been apprehended in this case on 9.9.2019 but he has not been put



on TIP. In a situation, where the case was registered against unknown and no TIP has been arranged, rejecting the application for bail on the basis of so-called social investigation report is precisely misdirected.

Since the petitioner was not named in the FIR and the instant case was registered against unknown yet the petitioner has not been put on TIP, the Court is inclined to allow the application for bail of the petitioner. The order of the first Additional District and Sessions Judge cum Special Judge, Buxar passed in Cr. Appeal No. 112 of 2019 dated 5.2.2020 and the order of J.J.B, Buxar passed in J.J.B. Case No. 624 of 2019 arising out of Dumraon P.S. Case No. 247 of 2019 is hereby set aside.

The petitioner is directed to be released forthwith. He shall be handed over to his natural guardian on furnishing bail bond of Rs. 25,000/- (Twenty five thousand) with two sureties of the like amount each to the satisfaction of J.J.B, Buxar, in connection with J.J.B. Case No. 624 of 2019 arising out of Dumraon P.S. Case No. 247 of 2019.

(Anil Kumar Upadhyay, J)

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