

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.644 of 2019

Arising Out of PS. Case No.-328 Year-2018 Thana- MANJHAGARH District- Gopalganj

Faiyaz Alam @ Faiyaz Mian Son of Qyamuddin Resident of Village - Sareya Narendra (Chantoliya), P.S.- Barauli (O.P. Madhopur), Distt - Gopalganj (under the Natural guardianship of his father Qyamuddin aged about 56 years (Male), S/o Manudin, Resident of Village - Sareya Narendra (Chantoliya), P.S.- Barauli (O.P. Madhopur), Distt - Gopalganj.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Harendra Prasad, Advocate
For the Respondent/s : Mr. Dr. Indihar Kumari, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 31-01-2020 Heard learned counsel for the petitioner and learned counsel appearing for the State.

The present criminal revision application is directed against the judgment dated 09.04.2019 passed in Cr.Appeal No.33 of 2019 passed by Sessions Judge, Gopalganj as well as order dated 15.03.2019 passed in J.E.No.30 of 2019 arising out of Manjhagarh P.S.Case No.328 of 2018 passed by Principal Magistrate, J.J.Board, Gopalganj whereby and whereunder learned Judge and Principal Magistrate, rejected the bail of the petitioner for the offences punishable under Sections 414, 420, 467, 468 and 471 of the Indian Penal Code.

It appears from the order dated 09.04.2019 that the



Court below has noted that the appellant, namely, Faiyaz Alam @ Faiyaz Mian as a juvenile vide order dated 11.03.2019 as on the alleged date of occurrence, he was found to be within 18 years of age. Nevertheless, the Court below in violation of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 has rejected the prayer for bail of the petitioner.

Learned counsel for the petitioner submits that the name of this petitioner had come in the confessional statement of co-accused Farhan @ Mister and only because he had a criminal antecedent, the prayer for bail of the petitioner was rejected by the court below.

Having considered the facts and circumstances and also considering that the present petitioner is in custody since 26.11.2018, let the above named petitioner, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Principal Magistrate, J.J.Board, Gopalganj in connection with Manjhagarh P.S.Case No.328 of 2018, J.E.No.30 of 2019.

The revision application stands disposed of with following conditions:-

- (1) One of the bailors will be his own blood relative,



preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and, in case of failure, the State shall be at liberty to move for cancellation of bail.

One of the bailors should be the father of the petitioner.

(Anjana Mishra, J)

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