

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1270 of 2019

Arising Out of PS. Case No.-271 Year-2019 Thana- SIWAN CITY District- Siwan

NIRAJ KUMAR S/o- Ram Akbal Manjhi R/o Village- Makariyar, P.S.-
Dhanauti O.P., District- Siwan under his guardianship of Ram Akbal Manjhi,
aged about 36 years, S/o- Bhola Manjhi, R/o Village- Makariyar, P.S.-
Dhanauti O.P., District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Pandey

For the Respondent/s : Mr.Chandra Sen Prasad Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 21-01-2020 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The present petition has been filed for setting aside
the order dated 19.08.2019 passed by Additional Sessions Judge
1st-cum-Special Judge, Siwan in Cr. Appeal no. 31 of 2019 as
well as the order dated 21.05.2019, passed by the Juvenile
Justice Board, Siwan in J.E. no. 139 of 2019, arising out Siwan
Town PS case no. 271 of 2019, lodged by one Sangeeta Devi
under Sections 419, 420, 467, 468, 471, 120(b)/34 of Indian
Penal Code.

The brief facts of the prosecution is that two
co-accused persons namely Sajid Ali and Akash Kumar had
approached the Bank in question and tried to withdraw a sum of



Rs. 49,000/- by presenting a forged cheque bearing their forged signatures, however the Bank Manager had informed the police, whereafter the said two accused persons were arrested and they had disclosed that the petitioner is also one of their accomplice.

The learned counsel for the petitioner has submitted that the petitioner is innocent, is having a clean antecedent and has been falsely implicated in the present case on the confessional statement of the co-accused persons, whereas the fact is that there is no material on record to suggest the complicity of the petitioner herein, save and except the confessional statement. It is further submitted that the parents of the petitioner herein undertake to keep the petitioner in good social conditions and also ensure that the petitioner shall not fall in bad company as also would be granted proper education.

Having regard to the facts and circumstances of the case, this Court finds that *prima facie*, no case is made out for the offences alleged as far as the petitioner herein is concerned, hence there is no impediment in directing for release of the petitioner on regular bail. In such view of the matter, this Court finds that the learned court below while passing the impugned orders dated 21.05.2019 and 19.08.2019, has not appreciated the case of the petitioner in proper perspective and has therefore,



committed an error by rejecting the case of the petitioner for grant of bail.

Considering the materials on record as also the submissions made by the learned counsel for the petitioner, the present petition stands allowed and the order dated 19.08.2019 passed by Additional Sessions Judge 1st-cum-Special Judge, Siwan in Cr. Appeal no. 31 of 2019 as well as the order dated 21.05.2019, passed by the Juvenile Justice Board, Siwan in J.E. no. 139 of 2019 are set aside.

Consequently, the petitioner herein is directed to be released from the remand home on his furnishing bail bond of Rs. 10,000/- (Rs. Ten Thousand) with two sureties of like amount each to the satisfaction of learned Presiding Officer, Juvenile Justice Board, Siwan in connection with Siwan Town PS case no. 271 of 2019, corresponding to J.E. no. 139 of 2019, 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 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 on the
aforesaid terms.

(Mohit Kumar Shah, J)

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