

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.382 of 2020

Arising Out of PS. Case No.-414 Year-2018 Thana- GOPALPUR District- Bhagalpur

VIKASH KUMAR Son of Late Khublal Sah Resident of Village - Gyanidas Tola, P.O.- Tintanga Diyara, P.S.- Rangra, District - Bhagalpur

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR

2. Sanik Kumar Son of Late Khublal Sah Resident of Village - Gyanidas Tola, P.O.- Titanga Diyara, P.S.- Rangra O.P., District - Bhagalpur

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Alka Verma, Adv.

For the Respondent/s : Mr. Laxmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 19-07-2021 Heard learned counsel for the petitioner and learned APP for the State through virtual court proceedings.

This Revision Application has been filed for setting aside the order dated 11.02.2020 passed in Cr. Appeal No. 57 of 2019 in G.R. No. 1665 of 2018 arising out of Rangra P.S. Case No. 414 of 2018 by the learned Additional District and Sessions Judge 1st Bhagalpur, who has affirmed the order dated 24.06.2019 passed by learned Judicial Magistrate, J.J.Board, Bhagalpur and setting aside the order dated 24.06.2019 passed by the learned Principal Magistrate, J.J. Board, Bhagalpur, in G.R. No. 1665 of 2018 arising out of Rangra P.S. Case No. 414 of 2018.

Learned counsel for the petitioner submits that



petitioner is innocent, not named in the FIR and has been falsely implicated in this case. He submits that petitioner was found juvenile by the learned Principal Magistrate, Juvenile Justice Board, Bhagalpur but the learned court below has not granted bail to the petitioner stating that if the bail is granted to the petitioner there is probability of physical danger of the petitioner. He submits that petitioner is languishing in judicial custody since 08.01.2019. Learned counsel for the petitioner submits that there is no direct evidence against the petitioner and both the courts below ignored the mandate of Juvenile Justice Act which requires bail to juvenile is a right and the refusal is an exception. The seriousness of the offence is no consideration for refusal of bail as required under Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

Considering the facts and circumstances of the case and the fact that there is no specific allegation against the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge, 1st Bhagalpur in connection with G.R. No. 1665 of 2018 arising out of Ranga P.S. Case No. 414 of 2018.



Accordingly, this application is allowed and order
dated 11.02.2020 is set aside.

(Anjani Kumar Sharan, J)

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