

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.478 of 2021

Arising Out of PS. Case No.-193 Year-2020 Thana- MADHUBAN District- East Champaran

Nitish Kumar, S/o Nand Kishore Bhagat, R/o Village-Bahuara Bhari, P.S.
Madhuban, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Dhannjay Kumar No.2, Advocate

For the Respondent/s : Mr.Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 21-09-2021 The matter has been taken up today for consideration
through video conferencing.

Heard learned counsel for the petitioner and the
learned APP for the State.

The present revision application has been preferred
against the order dated 18.03.2021 passed in Cr.Appeal No.03
of 2021 by learned 1st Additional Sessions Judge, Motihari, East
Champaran, in Madhuban P.S. Case No.193 of 2020 arising out
of J.J.B. TR. No.924 of 2021, whereby and whereunder the
petitioner's prayer for bail has been rejected for the offence
under Sections 363, 364, 302, 201/34 of the Indian Penal Code.

Grandson of the informant has been kidnapped with a
view to his elimination, as per the prosecution case.

It is submitted by the petitioner's counsel that the



petitioner is the nephew of the informant. His implication is based on the subsisting dispute between the parties. Though he is not a named accused, his implication is based on extraneous considerations. He has been declared a juvenile and has no criminal antecedents.

The Court had earlier called for Social Investigation Report. On going through the same, it appears that there is no material in the Social Investigation Report for this Court to arrive at a conclusion that release of the petitioner is likely to bring him into association of any known criminal or he is likely to be exposed to any moral, physical or psychological danger. In absence of such conditions, the mandate of Section 12 of the Juvenile Justice (Care and Protection of Children) Act is to enlarge the juvenile in conflict with law on bail. He is in custody since 24.07.2020. The mother of the instant petitioner Champa Devi was also made an accused under similar circumstances. She, too, has been allowed bail in Cr.Misc. No.4244 of 2021, vide order dated 12.04.2021.

Learned APP for the State has opposed the prayer for bail.

Having considered the rival submissions, this Court allows the prayer for the petitioner's release.



Let the above named petitioner, a juvenile, be released on bail on his furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Principal Magistrate, J.J. Board, East Champaran, Motihari, in connection with Madhuban P.S. Case No.193 of 2020 arising out of J.J.B. TR. No.924 of 2021, in favour of his maternal uncle (Lalbabu Prasad), who has sworn the affidavit in this case, and who shall keep him under his guardianship and produce him as and when required and also subject to the condition that one of the bailors of the petitioner shall be the maternal uncle, who at the time of filing of the bonds, shall also give an undertaking that he will take proper care of the petitioner and in case the petitioner does not act as per his advice, he shall report the matter to the Officer-in-Charge of the concerned police Station and further during the period of bail, the petitioner will be under the supervision of concerned Probation Officer.

In the result, the revision application is allowed and the impugned order dated 18.03.2021 is set aside.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks



from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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