

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24350 of 2022**

**In
CRIMINAL MISCELLANEOUS No.40147 of 2021**

Arising Out of PS. Case No.-235 Year-2021 Thana- KUCHAIKOTE District- Gopalganj

ROHIT KUMAR S/o Umesh Yadav R/o village- Dhobauliya, P.S.- Chakiya,
District- Motihari

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Baijnath Sah, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 13-07-2022 Perused the report as contained in letter no. 650 dated 28.06.2022 received from the Principal Magistrate, Juvenile Justice Board, Gopalganj. This court has been informed that in fact the co-accused Nikku Yadav, who happened to be a juvenile, was directed to do some social service whereupon his case was disposed of by the Board.

It appears that when the prayer for bail of the present petitioner was made before this court, this court was informed that the co-accused Nikku Yadav has been granted bail by a learned coordinate Bench of this court. This court took it as one of the considerations, but, because the bail order of the said co-accused was not available on the record, this court in order to verify the correctness of the submissions of learned counsel for the petitioner placed a condition in it's order that the bail bond



of the petitioner shall be accepted only if the bail order of the co-accused Nikku Yadav is available on the record.

Now from the report of the Juvenile Justice Board the things are clear. This court has given a cautious consideration to the submissions of the learned counsel for the petitioner and finds that it was a bonafide mistake on his part in making a submission that co-accused Nikku Yadav was granted bail, the fact was that his case was disposed of.

In any view of the matter, this Court finds that in the interest of justice the said mistake on the part of learned counsel for the petitioner in making submissions is required to be condoned. The learned court below is directed to accept the bail bond of the petitioner as per order dated 08.02.2022 passed in Cr. Misc. No. 40147/2021 without insisting for satisfying the condition with regard to the bail order of co-accused Nikku Yadav.

Rest of the order shall remain intact.

This application is disposed off accordingly.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

