

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55176 of 2021

Arising Out of PS. Case No.-184 Year-2020 Thana- KARAKAT District- Rohtas

ATAL BIHARI S/o LATE SURESH KAHAR R/o VILLAGE-MORAUNA,
P.S- BIKRAMGANJ, DISTRICT-ROHTAS PREFERRED BY SUNDRI
DEVI, MOTHER AND NATURAL GUARDIAN OF THE CHILD IN
CONFLICT WITH LAW.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha
For the Opposite Party/s : Mr. Pramod Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 29-01-2022 Heard learned counsel for the petitioner and the State.

The matter has been taken up through video
conferencing.

Petitioner has filed this application for grant of bail in
connection with J.J.B. case No. 57/2021 (arising out of Karakat
PS Case No. 184/2020) registered for the offence punishable
under Section 324, 307, 302, 34 of the Indian Penal Code.

It is submitted that petitioner has been made accused
in this case on the basis of the fact that petitioner is owner of the
motor cycle used in the crime. It is submitted that case of the
petitioner has not been considered in the light of provisions
contained in Section 12 of the Juvenile Justice (Care and
Protection of Children) Act, 2015 and only on the ground that he
is in association of known group of criminals and his release is



likely to bring him into said group of criminals. But neither in the report of Probation Officer nor in the impugned order the identity of such criminals have been disclosed.

Learned counsel appearing for the State opposes the prayer for bail.

Considering the rival submission of the parties and facts and circumstances of the case, I find that the impugned order dated 17.07.2021 passed in Cr. Appeal No. 10/2021 by Additional Sessions Judge-I-cum- Special Judge, Children Court, Rohtas at Sasaram and the order dated 08.03.2021 passed in JJB Case No. 57/2021 by J.J.B., Rohtas at Sasaram are not in accordance with law and not sustainable and the same are, accordingly, set aside. This application is allowed.

Let the petitioner, above named, 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 Additional Chief Judicial Magistrate, Bikramganj, Rohtas, Sasaram in connection with JJB case No. 57/2021, arising out of Karakat PS case No.184/2020.

(Prabhat Kumar Singh, J)

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