

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.459 of 2023

Arising Out of PS. Case No.-391 Year-2021 Thana- KOTWALI District- Munger

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XXX, Son of Md. Akbar Resident of Village - Nayagaon (Basudeopur O.P.),
P.S.- Kotwali, District - Munger, Under Guardianship of Mother Pakija @
Pakija Khatun, R/o Village - Nayagaon (Basudeopur O.P.), P.S.- Kotwali,
District - Munger.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Tauffic Son of Md. Nasim Resident of Village - Nayagaon, P.S.- Kotwali
(Basudeopur O.P.), District - Munger.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Digvijay Kumar Ojha, Advocate
For the State : Mr.Mohammad Sufyan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 13-10-2023 Heard learned counsel for the petitioner and learned

APP for the State.

2. Petitioner in this case is aggrieved by and
dissatisfied with the order dated 22.05.2023 passed in J.J.B.
Case No.82 of 2021 (arising out of Kotwali P.S. Case No.391 of
2021) whereby and whereunder his prayer for regular bail has
been rejected by the learned Special Judge (Children's Court)-
cum-Additional District Judge 1st Munger.

3. Learned counsel for the petitioner submits that
earlier the prayer for bail of the petitioner was rejected by this
Court after noticing the social investigation report saying that
there are chances of mounting of tension in the society and the



life of the petitioner will be exposed to danger. This Court observed that the interest of the petitioner lies in keeping him in the observation home/place of safety, as the case may be, for the present. It is submitted that one year approximately have gone after the order of rejection passed by this Court. Till date the trial has not been concluded.

4. Learned counsel further submits that in this case save and except the petitioner all other co-accused have been released on bail and in this regard he has relied upon Annexure- '4' series. Learned counsel further submits that there are altogether 7 witnesses in the charge-sheet and at this stage only three witnesses have been examined. The petitioner has no criminal antecedent and his father and mother both are ready to furnish an undertaking that if released on bail the petitioner shall not be allowed to come in contact with any bad element and they will ensure that the petitioner attains the trial court on the date fixed in the matter.

5. Learned APP for the State has though opposed the prayer for bail of the petitioner but it is not disputed that other co-accused have been granted bail, this petitioner has remained in the observation home since 03.09.2021 and at this stage the trial is not likely to be concluded in near future.



6. Having regard to the facts and circumstances of the case and the submissions noted hereinabove, this Court sets aside the impugned order and directs release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge, Children's Court-cum-Additional District Judge 1st, Munger in connection with Kotwali P.S. Case No.391 of 2021. Both the parents of the petitioner shall furnish an undertaking in the learned court below/Board as the case may be saying that after release on bail the petitioner shall not be allowed to come in contact of any bad element and they would make all endeavours to keep connect the petitioner in the mainstream of the society and in case the petitioner is found engaged in any unlawful act, the same will be reported to the jurisdictional police station.

7. This application is allowed.

(Rajeev Ranjan Prasad, J)

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