

Rajesh Kumar @ Rajesh Yadav Vs. the State of Bihar

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Court : Patna

Decided On : May-24-2012

Appellant : Rajesh Kumar @ Rajesh Yadav

Respondent : The State of Bihar

Advocate for Pet/Ap. : Mr. Farooque Ahmad Khan

Judgement :

Patna High Court CR. REV. No.89 of 2012 (2) dt.24-01-2012 IN THE HIGH COURT OF JUDICATURE AT PATNA Criminal Revision No.89 of 2012
===== 1. Rajesh Kumar @ Rajesh Yadav S/O Sadan Yadav (S/O Dawarika Yadav) Under The Guardianship Of His Father Vill-Manjhanpura, Ps.Muffasil, Distt-Nawada Petitioner Versus 1. The State Of Bihar Opposite Party.
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Appearance : For the Petitioner : Mr. Farooque Ahmad Khan, Advocate For the Opposite Party : Mrs. Indu Bala Pandey, A.P.P.
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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH ORAL ORDER (Per: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

24. 01-2012 Heard Mr. Farooque Ahmad Khan, learned counsel for the petitioner and Mrs. Indu Bala Pandey, learned A.P.P. for the State. This application has been filed for grant of bail to the petitioner under the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2000. Earlier such prayer was

rejected by the Juvenile Justice Board, Nawada in Juvenile Trial No. 569 of 2011/270 of 2011 by order dated 19.11.2011 and the appeal was also dismissed by the District and Sessions Judge, Nawada in Criminal Appeal (Juvenile) No. 47 of 2011 by order dated 19.12.2011. The petitioner is an accused in Nawada P.S. Case Patna High Court CR. REV. No.89 of 2012 (2) dt.24-01-2012 No. 156 of 2011 registered under Sections 341, 323, 307, 504 and 34 of the Indian Penal Code and 3(x) of the SC/ST Act and 27 of the Arms Act. Learned counsel for the petitioner submits that the age of the petitioner has been assessed to be 16 years and four months on the date of occurrence and he has clean antecedent. Learned counsel further submits that though the allegation is with regard to firing but the same is far away from the facts of the case as from the FIR itself it transpires that there was no intention to kill and rather whatever had happened was at best on the spur of the moment and was not premeditated. The petitioner is in custody since 02.07.2011. Considering the facts and circumstances of the case, let the petitioner, namely, Rajesh Kumar @ Rajesh Yadav 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 Juvenile Justice Board, Nawada in Juvenile Trial No. 569 of 2011/270 of 2011. One of the bailors should be the father of the petitioner who shall also give a bond with regard to good behaviour of the petitioner. The petitioner shall physically present himself before the Probation Officer, Nawada at least once a month and also as and when directed by him. The Patna High Court CR. REV. No.89 of 2012 (2) dt.24-01-2012 Probation Officer, Nawada shall maintain strict supervision over the petitioner. Accordingly, this application stands disposed off. (Ahsanuddin Amanullah, J.) B.Kr./-

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