

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.624 of 2018

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Ajit Kumar @ Ajit Yadav @ Sewak Yadav, S/o Mukhal Yadav
@ Mithilesh Prasad @ Mukhlal Pd., R/o Vill.- Dariyapur
(Dariya Sarai), P.S.- Silao, District- Nalanda (Bihar),
Through its natural Guardian Mukhal Yadav @ Mithilesh
Prasad @ Mukhlal Pd. S/o Ramdeo Prasad, R/o Vill.-
Dariyapur (Dariya Sarai), P.S.- Silao, District- Nalanda
(Bihar).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad, Adv.

For the State : Mrs. Usha Kumari No-1, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

- 3 26-06-2018 The petitioner was declared a juvenile by the
learned Juvenile Justice Board, Nalanda at Bihar Sharif. He
has been made accused in connection with Giriyak P.S. Case
No. 188 of 2017, which has been instituted for the offence
under Section 302 of the Indian Penal Code and Section 27 of
the Arms Act, 1959 read with Section 3(2) (va) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989.



The F.I.R. was registered against unknown. The deceased never came back after going out of his house for loading sand on a vehicle for the same to be transported. Later, his dead-body was recovered. After about seven days of the registration of the case, one Sanjay Manjhi gave a statement under Section 164 of the Code of Criminal Procedure, 1973 alleging that the deceased was insuited at, leading to his protest against such statement by one Sujit. The Juvenile/petitioner is the brother of Sujit, who is alleged to have caught hold of the deceased while his brother/Sujit fired from his weapon killing the deceased.

The case of the petitioner was sent to the Juvenile Justice Board which refused to direct for his release, considering the gravity of the offence. The learned Appellate Court also agreed with the findings of the Juvenile Justice Board.

This Court, on an earlier occasion, finding that there was no assessment of the petitioner in terms of Section 15 of the Juvenile Justice (Care & Protection of Children) Act, 2015 had set-aside both the orders and remitted the case back to the Court of Juvenile Justice Board for passing a fresh order in accordance with law.

Thereafter, the order impugned has been passed and the petitioner has been denied the privilege of being



released from the remand home.

Learned counsel for the petitioner has submitted that Sujit/the brother of the petitioner, who actually had accosted the deceased and had shot him down, has been granted bail by a Bench of this Court *vide* order dated 06.02.2018, passed in Cr. Appeal (SJ) No. 50 of 2018.

The juvenile/petitioner does not have any criminal antecedents and, it has been submitted that only his name has been introduced in the 164 Cr.P.C. statement of one Sanjay Manjhi only in order to bring him as well as his brother/Sujit in the net of criminal charge.

The juvenile/petitioner has remained in the remand home since 01.07.2017. The assessment of the Probation Officer also does not appear to be based on any sound reasoning.

Considering the aforesaid facts, the juvenile/petitioner is directed to be released from the remand on his furnishing bail bond in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge-cum-Special Judge, Nalanda at Biharsharif in connection with Giriyak P.S. Case No. 188 of 2017.

One of the bailors shall be the father of the juvenile/petitioner, who, at the time of filing of the bond,



shall give an undertaking that he will take good care of the juvenile/petitioner and in case the juvenile/petitioner avoids paying heed to his advice, he would report the matter forthwith to the Officer-In-Charge of the concerned police station.

With the aforesaid observation and direction, the present revision petition stands disposed of.

(Ashutosh Kumar, J)

Praveen-II/-

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