

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.1 of 2018

=====

Chiku Singh @ Bablu Patel @ Chiku Patel, Son of Sri Bidhesh Singh, of
Vilage- Kurmibigha, P.S.- Banshi (Karp), District- Arwal, At present
Village Maharajganj, P.S.- Deokund, District- Aurangabad.

.... Petitioner/s

Versus

The State of Bihar.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Pratik Kumar Sinha

For the Respondent/s : Mr. Binay Krishna

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 25-01-2018

The petitioner, who is a juvenile has approached this Court through his uncle Sunil Kumar who is one of his guardians and he has sworn the affidavit to the petition, for his release from remand home where he has been lodged in connection with Deokund P.S. Case No. 22 of 2016 dated 08.11.2016 instituted for the offences under Sections 302, 326, 504, 506, 120B/34 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(1)(v)/3(s)/3(2)(v) of the Schedule Caste & Schedule Tribe(Prevention of Atrocities) Act, 1989.

The petitioner was declared a juvenile (less than eighteen years of age as on the date of occurrence) on 06.10.2017 by the Juvenile Justice Board, Aurangabad. From the records, it further appears that because of the petitioner being named in the subject F.I.R, he remained in custody since 17.11.2016 but after his being declared a juvenile by the Juvenile Justice Board, he was



shifted to the remand home from 06.10.2017.

From the F.I.R itself, it appears that though the petitioner has been named as one of the accused persons but no specific act has been alleged against him. Three murders are said to have taken place because of the married daughter of one of the accused, Baudh Yadav having run away with one Gorelal Paswan, one of the uncles of the informant. This had led to hostilities between the parties and despite the settlement of dispute between the two groups of villagers, the present occurrence took place. The informant has only claimed that on some noise, he went to the cattle shade where he saw many accused persons including the petitioner. Later, dead bodies of Vinay Paswan, Chandresh Paswan and Parmeshwar Paswan were found.

Learned counsel appearing for the petitioner/juvenile has submitted that petitioner has been named only because he comes from the family of those villagers who were in the opposite camp of the informant. There is nothing on record to suggest that the petitioner, after release from the remand home, shall fall in company of criminals and such situation would not be good for him. Learned counsel for the petitioner has further submitted that all other accused persons of this case have been granted bail.

This Court does not find any social



investigation report on record so far as petitioner is concerned.

Since the petitioner has been declared a juvenile, he could be, even after trial, sentenced only for three years. The petitioner has remained in jail since 17.11.2016 and in remand home since 06.10.2017.

For the facts aforesaid, the order dated 06.10.2017 passed by the Juvenile Justice Board, Aurangabad and the order dated 23.11.2017 passed by learned 1st Additional Sessions Judge, Aurangabad in Cr. Appeal No. 66 of 2017/89 of 2017, whereby the prayer for being released from the remand home has been rejected, are set aside.

The petitioner, above named, is directed to 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 learned Juvenile Justice Board, Aurangabad in connection with G.R. Case No. 773 of 2016, J.J.B. No. 796 of 2017, arising out of Deokund P.S. Case No. 22 of 2016.

The present revision petition is accordingly allowed.

(Ashutosh Kumar, J)

Shageer/-

U		T	
---	--	---	--

