

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.1124 of 2018

Arising Out of PS. Case No.-224 Year-2017 Thana- GORIAKOTHI District- Siwan

Deepak Ram, Son of Rama Shankar Ram, Resident of Village- Safapur,
Police Station- Manjhagarh, District- Gopalpur under the Guardianship of his
mother namely Chunmun Devi.

... .. Petitioner

Versus

The State of Bihar.

... .. Respondent

Appearance :

For the Petitioner/s : Mr. Javed Aslam

For the Respondent/s : Mr. Satyavarat Verma

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 05-11-2018 This revision application has been preferred against the judgment dated 13.8.2018 passed by 1st Additional District and Sessions Judge, Siwan in Cr.Appeal No. 47 of 2018 by which he has rejected the prayer for bail of the juvenile-petitioner affirming the order dated 9.7.2018 passed by Principal Magistrate, Juvenile Justice Board, Siwan in Juvenile Trial No. 13 of 2018, arising out of G.R.No. 5317 of 2017, Goriyakothi P.S.Case No. 224 of 2017 rejecting the prayer for bail of the petitioner.

Prosecution case, in short, is that the informant is an employee in Customer Service Centre, Bank of India and while he was going to Consumer Service Centre, Bank of India, Chadi Bazar after taking money of Rs. 2,00,000/- from Bank of India,



Maharajganj Branch and reached near the bridge at Ladhi Kali Asthan, four miscreants came on two motorcycles and dashed his motorcycle, due to which informant fell down and put pistol on his ear pit and assaulted him and on alarm people assembled there and accused persons started fleeing but two of the accused persons were arrested, including the petitioner and from his possession one country-made pistol and one cartridge were recovered.

It appears that petitioner was arrested at the spot and he claimed to be juvenile and enquiry was held with regard to his age and after enquiry he has been found to be aged in between 16-17 years, i.e., below 18 years of age and thereafter he prayed for bail before the Juvenile Justice Board (in short 'Board') but the Board vide order dated 9.7.2018 passed in Juvenile Trial No. 13 of 2018 has rejected the prayer for bail of the petitioner on the ground that petitioner was arrested at the spot and there is recovery of one loaded country-made pistol from his possession and further from the report of Probation Officer it has come that he was in contact with anti-social elements and he has to be separated from the anti-social elements and if he was allowed bail there was chance of his involvement with anti-social elements.



Against the aforesaid order the petitioner has moved before the learned Sessions Judge in Cr.Appeal No. 47 of 2018 and the same was also dismissed vide judgment dated 13.8.2018 on the ground that there is nothing available on record to show that father and mother of the petitioner will keep him under their protection and protect him from coming into contact with anti-social elements and for the ends of justice his release was not proper.

Being aggrieved by the judgment of the appellate court as well as the order of the Board the present revision application has been filed.

Contention of learned counsel for the juvenile-petitioner is that mother of petitioner is ready to undertake that she will protect the petitioner from his contact with anti-social elements and from his exposure of social, moral and psychological danger and further petitioner is in custody since 13.10.2017 and FIR shows that cash was not looted away by the petitioner.

Learned counsel for the State has supported the impugned judgment and order and opposed the prayer for bail of the petitioner.

Having heard both sides and in the facts and



circumstances, as stated above, this revision application is allowed and the impugned judgment of appellate court and order of the Board are set aside.

Petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of Juvenile Justice Board, Siwan, in connection with Juvenile Trial No. 13 of 2018, arising out of G.R.No. 5317 of 2017, Goriyakothi P.S.Case No. 224 of 2017, subject to the condition that one of the bailors shall be his mother, who will undertake to protect the petitioner from exposure of social, moral and physiological dangers and he will under supervision of Probation Officer and if he has reported against the petitioner, prosecution will be at liberty to move for cancellation of his bail bond.

(Vinod Kumar Sinha, J)

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