

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.1011 of 2017

Arising Out of PS. Case No.-212 Year-2015 Thana- GOPALGANJ TOWN District-
Gopalganj

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Golu Kumar Mishra @ Shubham Kumar Mishra @ Golu Mishra S/o Arjun Mishra , R/o Village- Sultanpur, P.S.- Kateya, District- Gopalganj. Through his father and natural Guardian Arjun Mishra, S/o Baban Mishra, R/o Village- Sultanpur, P.S.- Kateya, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh
For the Respondent/s : Mr. SMT. ANITA KUMARI

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 13-03-2018 The petitioner/juvenile has approached this Court through his father for being released from the remand home where he has been lodged in connection with Gopalganj Town P.S. Case No. 212 of 2015 instituted for the offences under Sections 387, 307 and 120B of the Indian Penal Code and Sections 3 and 4 of the Explosive Substance Act.

A bomb was exploded in a sweet shop and the juvenile/petitioner was arrested thereafter. He was made accused in another case vide Gopalganj Town P.S. Case No. 213 of 2015 which was registered under Section 414



of the Indian Penal Code and Section 25(1-b)A, 26 and 35 of the Arms Act.

Learned counsel for the petitioner has pointed out that the petitioner has been in the remand home since 08.06.2015 which is almost about 2½ years.

Learned counsel for the petitioner has also submitted that though the District Probation Officer has reported against the release of the juvenile/petitioner from remand home but the father of the juvenile/petitioner is ready to undertake before the J.J.B. that he shall take good care of his child and shall keep him under his guidance and control.

So far as the merits of the case is concerned, learned counsel for the petitioner has submitted that it is a case of mistaken identity. The juvenile/petitioner had gone to purchase sweets for his family and in the meantime, a bomb was exploded. Taking advantage of the smoke which was emitted and had filled the shop, the main culprits managed to escape and the petitioner was wrongly made accused in this case. But for his



mistaken identity and his so-called confession, there is no other material to connect the petitioner with the offence.

Regard being had to the fact that the petitioner has remained in the remand home since 08.06.2015 and his father is ready to take control of him, this Court is inclined to release the petitioner. While saying so, this Court is also of the view that there is nothing on record to suggest that he has not improved in remand home.

Let the juvenile/petitioner above named be released on furnishing bail bond in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Juvenile Justice Board, Gopalganj in connection with J.E. Case No. 128 of 2015, arising out of Gopalganj (Town) P.S. Case No. 212 of 2015.

One of the bailors shall be the father of the juvenile/petitioner who at the time of filing of the bail bonds shall furnish an undertaking that he shall take good care of his child and in case the juvenile/petitioner



does not pay heed to his advice, he shall report the matter to the officer-in-charge of the concerned police station.

With the aforesaid observation, the revision petition is allowed.

(Ashutosh Kumar, J)

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