

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.340 of 2018

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1. Rahul Kumar Yadav @ Rahul Kumar Son of Vijay Yadav resident of Village - Ramapali, Police Station - Muffasil in the district of Siwan, under the guardianship of his grand father namely Rama Nand Yadav, Son of Late Krishna Yadav

.... Petitioner/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Navin Sharma
Mr. Sunil Kumar
Mr. Gauri Shankar

For the Informant : Mr. Prashant Kumar

For the Respondent/s : Mr. Sri Lakshmi Kant Sharma

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 07-05-2018 Heard the learned counsel for the petitioner, the informant as well as the State.

The juvenile/petitioner seeks his release from the remand home, where he has been lodged since 23.10.2017 in connection with Siwan Muffasil P.S. Case No. 510/2017 dated 22.10.2017 instituted for the offences under Sections 341, 323, 324, 307, 302 and 504/34 of the Indian Penal Code.

On the day of the occurrence, the age of the juvenile/petitioner has been assessed at more than 16 years.

The juvenile/petitioner and his family members are the agnates of the informant. The dispute arose because cow-dung was alleged to have been thrown by one Shiv Shankar Yadav and



Vijay Yadav in front of the house of the informant. This led to verbal and physical scuffle between the parties. On the exhortation of some of the members of the family of the juvenile/petitioner, one of the other accused persons fired from his weapon leading to the death of one of the persons from the side of the informant.

So far as the juvenile/petitioner is concerned, he is only said to have been part of the crowd which has indulged in such attack. Nothing specific has been alleged against him.

The Juvenile Justice Board as well as the Appellate court have rejected the prayer of release of the juvenile/petitioner on the ground that there is a possibility of the juvenile/petitioner going in bad company in case he is released from the remand home. In support of the aforesaid assumption, both the Juvenile Justice Board as well as the Appellate court have taken into account that in the present case, the father of the petitioner is in jail, whereas the mother of the petitioner is also an accused. The juvenile/petitioner has approached this Court through the agency of his grandfather, who is ready to be a bailor for the petitioner and keep him under his supervision.

Considering the aforesaid facts, this Court is inclined to release the juvenile/petitioner from the remand home.

The juvenile/petitioner, above named, is directed to



be released from the remand home, subject to his furnishing bond in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Child Court, Siwan, viz. the 1st learned Additional Sessions Judge, Siwan in connection with Siwan Muffasil P.S. Case No. 510 of 2017, subject to the condition that one of the bailors shall be the grandfather of the juvenile/petitioner who at the time of filing his bond, would furnish an undertaking that he shall keep the juvenile under his proper care and supervision.

The revision application is allowed.

(Ashutosh Kumar, J.)

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