

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Revision No.485 of 2018**

Arising Out of PS. Case No.-159 Year-2016 Thana- AURANGABAD TOWN District-  
Aurangabad

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Sarfaraj @ Syed Serferaj Alam, Son of Md. Alamgir @ Guddan @ Saiyed Alamgir, Resident of Village- Purani Kaji Mohalla- P.S Town, District- Aurangabad. Under the Guardianship of the father, namely Md. Alamgir @ Guddan @ Saiyed Alamgir, Son of Saiyed Hamid Hussain, Resident of Village- Purani Kaji Mohalla P.S. Town, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Sanjay Kumar  
For the Respondent/s : Mr. Sri Chaubey Jawahar

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH**

ORAL ORDER

3      26-09-2018                      Heard learned counsel for the parties.

The petitioner is a juvenile, who is in custody since 27.05.2016 in connection with Aurangabad Town P.S. Case No. 159 of 2016, registered for the offences punishable under Sections 302/34 of the Indian Penal Code. He had earlier made attempt for his release on bail before the Juvenile Justice Board and subsequently before the learned District Judge, which was rejected. The petitioner had thereafter approached this Court by filing Criminal Revision No.525 of 2017, which also stood dismissed by order dated 06.07.2017, with a direction to the Juvenile Justice Board to conclude enquiry within a period of three months. It transpires that subsequently a case was



transferred to the Children's Court. The offences alleged against the petitioner having been treated to be heinous. The petitioner again made an attempt for his release on bail before the Children's Court by filing an application, which has been turned down by the impugned order dated 20.03.2018. The petitioner has apparently remained in custody for more than two years and four months.

Learned Additional Public Prosecutor appearing for the State informs this Court that though charge has been framed, the trial has not commenced. I am not going into the question of maintainability of the criminal revision application against the impugned order of the Court below, keeping in mind the fact that the petitioner, who is a juvenile has already remained in custody for more than two years and four months.

In my view, the impugned order dated 20.03.2018 passed by the learned First Additional Sessions Judge-cum-Children Court, Aurangabad in Sessions Trial No. 826/2016/11/2017 deserves interference and is, accordingly, set aside.

Let the petitioner above named 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 the



learned First Additional Sessions-cum-Children Court,  
Aurangabad Sessions Trial No. 826/16/11/2017.

**(Chakradhari Sharan Singh, J)**

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