

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.453 of 2018

Arising Out of PS. Case No.-182 Year-2017 Thana- KUTUMBA District- Aurangabad

Manish Kumar, through his father and legal guardian namely Akhilesh Yadav,
Son of Nagdeo Yadav, resident of Village- Lotaniya, P.S.- Husainabad,
District- Palamu (Jharkhand) ... Petitioner

Versus

The State of Bihar ... Respondent

Appearance :

For the Petitioner : M/s Ajay Kumar Thakur, Babita Kumari, &
Krishna Chandra, Advs.

For the Respondent : Mr. Nityanand Tiwary, APP 41

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

3 22-05-2018 Heard learned counsel for the petitioner and the State.

This revision application has been filed under Section 102 of the Juvenile Justice (Care and Protection of Children) Act, 2015, against the order, dated 30.01.2018, passed by the Juvenile Justice Board, Aurangabad, in connection with G.R. Case No. 2030 of 2017/J.J.B. No. 871 of 2017 corresponding to Kutumba P.S. Case No. 182 of 2017, registered under Sections 170, 171, 212 of the Indian Penal Code, 25(1-b)a, 26 and 35 of the Arms Act and 17 of the Criminal Law Amendment Act, by which the prayer for bail of the petitioner was rejected as well as the judgment and order, dated 23.03.2018 passed by the Additional District & Sessions Judge, I, Aurangabad, i.e., Children's Court, in Criminal Appeal No. 10 of 2018/4 of 2018 by which the appeal of the petitioner has been rejected.

It appears that the police raided the house of several persons of village Kakoriya Lautania. The police recovered fire



arms from the house of Satyendra Yadav. The police also raided the house of Arvind Rai and recovered fire arms from the house. Four-five persons fled away from the house. But, one person was apprehended who disclosed his name as Manish Kumar (petitioner). He disclosed the names of different persons who managed to run away before police came.

Counsel for the petitioner submits that petitioner has been declared juvenile by the Juvenile Justice Board. The age of the petitioner has been assessed as 17 years. The petitioner is in custody since 18.11.2017. There is no recovery from from conscious possession of this petitioner.

In the written report it is alleged that the informant after getting confidential information accused of Kutumba Police Station, namely, Arvind Rai, Ram Pukar Mehta and Mukesh Patwa have formed Jharkhand Jan Mukti Parishad and assembled with various arms and police dress in the village to commit crime. Thereafter, the informant after constituting team raided the house of different persons as mentioend in written report. It is alleged that during the raid of the house of Arvind Rai police saw 4-5 persons having fled away, but, one person was apprehended, who disclosed his name as Manish Kumar (petitioner). The search was made in the house and various



arms and ammunition were recovered from there as mentioned in the written report. It is alleged that the petitioner disclosed the names of other persons as Arvind Rai, Ram Pukar Mehta and Mukesh Patwa, who managed to run away. It was further disclosed that the arms belonged to Arvind Rai. The petitioner is alleged in written report to be associate of Arvind Rai. As such from the written report itself it appears that there is no recovery from conscious possession of this petitioner. It is alleged in the written report that petitioner has disclosed the name of other persons, who managed to run away, against whom the police, has confidential information, that they had gathered, to commit crime in the village.

Considering the entire facts and circumstances, aforesaid, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with G.R. Case No. 2030 of 2017/J.J.B. No. 871 of 2017 corresponding to Kutumba P.S. Case No. 182 of 2017 to the satisfaction of the Juvenile Justice Board, Aurangabad, subject to the conditions that both the bailors shall be close relatives of the petitioner and one of them would be the father of the petitioner, who will file undertaking before the Court below that he will keep his son



under the strict guardianship and will not allow him to mix with
a person having criminal antecedent and take care that his son
pursue his study and keep strict watch over his behaviour.

(Sanjay Priya, J)

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