

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.971 of 2018

Arising Out of PS. Case No.-120 Year-2017 Thana- OBRA District- Aurangabad

Sonu Kumar @ Parven Kumar @ Praveen Kumar, S/o Brij Kishore Singh, under Guardianship of his mother Nirmala Devi, W/o Brij Kishore Singh, resident of Village- Ekauna, P.S.- Obra, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate.
Mr. Mithilesh Kumar Singh, Advocate.

For the Respondent/s : Mr. Sri Anil Prasad Singh

For the Informant : Mr. Dharendra Kumar Sinha, Advocate.

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 06-11-2018

Heard learned counsel for the petitioner, learned APP for the State and the learned counsel appearing on behalf of the informant.

2. This revision application has been directed against the judgment dated 12.07.2018 passed by Mr. Vinod Kumar Tiwari, learned 1st Additional Sessions Judge, Aurangabad in Criminal Appeal No. 33 of 2018/09 of 2018 by which he has refused the prayer for bail of the juvenile-petitioner and affirmed the order dated 02.06.2018 passed by the Juvenile Justice Board, Aurangabad (hereinafter referred to as the 'JJB')



rejecting the prayer for bail of the juvenile-petitioner.

3. As per the FIR, the allegation against the juvenile-petitioner is that he along with other accused persons were ploughing the land of the informant and when he protested they abused. Accused Sarju Singh assaulted the informant by means of Garasa, Sushil Kumar fired at him which hit his waist, accused Bittu Singh assaulted Ram Sakal Singh, Raushan Kumar, Rav Vinay Singh, Banarasi Singh, Manoj Kumar, Sunil Kumar and Ravindra Kumar Singh with Garasa and Lathi. The petitioner is named in the FIR.

4. Later on, petitioner claimed that he is juvenile and as such vide order dated 02.06.2018, on enquiry by the J.J.B., he was found to be juvenile and his age was assessed as 16 years 17 days. The juvenile petitioner moved for bail before the J.J.B. which was rejected by the J.J.B. by the same order dated 02.06.2018 on the ground that releasing the petitioner on bail may cause physical danger to the petitioner against which juvenile-petitioner has moved for bail before the appellate court and his prayer for bail was also rejected by the appellate court vide order dated 12.07.2018 in Cr. Appeal No. 33 of 2018/09 of 2018 on the ground that it will affect adverse on the moral and physical impact of the appellant and the finding of the J.J.B is



correct.

5. Being aggrieved with the aforesaid judgment of the appellate court as well as the order of the J.J.B., this revision application has been preferred on the ground that no specific allegation of assaulted has been attributed against the juvenile-petitioner and he is in custody since 09.05.2018 and further, it is submitted that social investigation report also is in favour of the juvenile-petitioner.

6. Learned APP and learned counsel for the informant opposed the prayer for bail and submitted that the petitioner had also participated in the occurrence and there is one other case lodged against the father of the petitioner and as such the learned J.J.B. and the appellate court have rightly rejected the prayer of bail of the petitioner.

7. Having heard both sides and on perusal of record, it appears that there is no specific allegation of assault against the juvenile-petitioner. It further appears that social investigation report has also been filed, vide Annexure-2 to this application, which shows that juvenile-petitioner is a student of I.Sc. and residing in Obra and the neighbours have stated that there is no criminal history of the petitioner and against the father of the petitioner there is case of *Marpit* in which he is on bail. The



other relatives are also accused in one case, but they are on bail. It further appears that due to the land dispute, present case has been lodged and the name of juvenile-petitioner has been mentioned as he is also member of the family.

8. On consideration of the entire facts that the petitioner has been found to be aged about more than 16 years and the offence comes under the category of heinous crime, but there is no specific allegation of assault against the juvenile-petitioner and the social investigation report also does not find anything against the juvenile-petitioner and whatever is there i.e., against his father. The petitioner is in custody for about five months.

9. In such view of the matter, I find no reason to reject the prayer of bail of the petitioner. Hence, this revision application is allowed. The impugned judgment passed by the Juvenile Justice Board, Aurangabad rejecting the prayer of bail of the juvenile-petitioner as well as the order of the appellate court affirming the rejection order of the J.J.B. are hereby set aside. The juvenile-petitioner, above named, is directed to be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Juvenile Justice Board, Aurangabad in connection with



G.R.No. 584 of 2017, J.J.B. No. 711 of 2018 arising out of Obra
P.S. Case No. 120 of 2017.

(Vinod Kumar Sinha, J)

sujit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	

