

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.907 of 2018

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Angur Kumar @ Anup Kumar Yadav son fo Ramji chaudhari @ Ramji
Yadav Resident of village Bishunpura, P.S. Gopalpur, District Gopalganj,
under the guardianship of his father Ramji Chaudhri @ Ramji Yadav.

.... Petitioner/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Dubey

For the Respondent/s : Mr. Sri Nand Kumar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 24-09-2018 This revision application has been preferred against the

judgment dated 30.6.2018 passed by the Sessions Judge,
Gopalganj in Cr. Appeal No.30 of 2018, which had been filed
against the order of the Juvenile Justice Board dated 31.5.2018
passed in J.E.No.69 of 2018.

The prosecution case in short is that a *Barat* had come
to the house of the neighbour of the informant and on such
occasion, he called his son, who is a Driver of Tractor to serve in
Barat and accordingly, he came and served along with him to
Baratsis, thereafter, taking meal he went to school to watch the
dance, where he found his son, who was watching dance and then
he came back to his house, when he woke up in the next morning,
he did not find his son in the house and he started searching him,
in the meantime, at 8.30 a.m. he received information that a dead



body of a boy was lying in *Arhar* field towards east of the village.

It appears that the petitioner is not named in the FIR and his name transpired on the confession of the co-accused.

Learned counsel for the petitioner has assailed the judgment of the learned appellate court as well as the Juvenile Justice Board on the ground that the petitioner has been declared juvenile as his age has been assessed as 17 years, 08 months and 05 days and his name has transpired on confession of the co-accused, which is not admissible in the eye of law and moreover, there is nothing against him, there is no social investigation report but the prayer for bail of the petitioner was rejected by the learned Juvenile Justice Board and the learned appellant court on the ground that there is chance of his coming under the influence of any known criminal and there is chance of exposing the petitioner morally, physically and psychologically if he is released on bail, however, the other co-accused persons have been granted privilege of bail, vide order dated 23.5.2018 passed in Cr. Misc. No.27712 of 2018.

Heard learned APP.

Having heard both sides and from perusal of the record, it appears that the petitioner is not named in the FIR, however, his name transpired on the confession of the co-accused



and he was found juvenile, however, his prayer for bail has been rejected by the learned Juvenile Justice Board and in the appeal by the Children Court. It further appears that his mental condition has not been assessed and there is nothing available on the record against him.

In such view of the matter, this revision application is allowed. let the petitioner, above named, be enlarged 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 Principal Magistrate J.J.Board, Gopalganj in connection with J.E.No.69 of 2018 arising out of Gopalpur P.S.Case no.32 of 2018 with condition that one of the bailors shall be his parents, who will undertake that in future, he will not allow him to be exposed to social, moral and psychological danger and will not come into contact with the criminals.

With the above observation, this revision application is allowed.

(Vinod Kumar Sinha, J)

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