

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.1120 of 2018

Arising Out of PS. Case No.-333 Year-2017 Thana- KOTWALI District- Munger

Hira Yadav @ Hiro Yadav S/o Lal Bahadur Yadav, R/o Mohalla- Lal Darwaja,
P.S.- Kotwali, District- Munger through the legal guardian of the petitioner
namely Meena Devi, wife of Lal Bahadur Yadav, R/o Mohalla- Lal Darwaja,
P.S.- Kotwali, District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Indu Bhushan
For the Respondent/s : Mr. Sanjay Kumar

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 03-12-2018 This revision application is directed against the order dated 31.07.2018 passed in Supplementary Kotwali 333/2017, arising out of Kotwali P.S.Case No. 333 of 2017 by the learned Additional District and Sessions Judge, 1st, Munger whereby and whereunder, the prayer for bail of the juvenile petitioner has been rejected.

Prosecution case, as it appears from the FIR, is that petitioner, along with other accused persons, has taken away the son of the informant and thereafter his dead body was recovered and as such petitioner and other co-accused persons have been made accused in this case.

The petitioner after his arrest has claimed himself to be juvenile and his age was assessed by the learned Juvenile Justice Board (hereinafter referred to as the 'J.J.B.') vide order



dated 05.05.2018, and on the basis of the report of the Medical Board, found the petitioner aged about 16 years 05 months and 29 days. It further appears that after his preliminary assessment with regard to mental and physical capacity, the J.J.B. has sent the case to the Children Court holding that the offence comes under the heinous offence as provided under Section 2(33) of the Juvenile Justice (Care and Protection of Children) Act, 2015.

It appears that the petitioner has moved for bail before the Children Court, which was rejected vide order dated 31.07.2018 passed in Suppl. Kotwali No. 333 of 2017 on the ground that petitioner is mentally and physically fit to understand the consequence of the offence. Being aggrieved by the aforesaid order, this revision application has been filed.

Submission of learned counsel for the petitioner is that there is no direct allegation against the petitioner and he has been made accused only on the basis of confessional statement and all other co-accused have been granted bail by the Hon'ble High Court and one Sanni Kumar, who has also been declared juvenile, has been granted bail by the J.J.B. and further that there is no adverse report against the petitioner and he is in custody since 07.10.2017.

Heard learned A.P.P. also.



No doubt, the offence comes under the definition of heinous offence, however, it appears that except the confessional statement of the petitioner, there is nothing against him. Moreover, there is no social investigation report available on record and the prayer for bail of the petitioner was rejected only on the ground that he is mentally and physically sound and capable of understanding the consequence.

Having heard both sides and in view of the fact and circumstances of the case, this revision application is allowed. The petitioner is directed to be released on bail upon furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge, 1st, Munger in connection with Suppl. Kotwali 333 of 2017, arising out of Kotwali P.S. Case No. 333 of 2017, with condition that one of the bailors shall be a close relative of the petitioner and during that period, he will be under the supervision of Probation Officer and if it finds adverse against the petitioner, the prosecution is at liberty to move for cancellation of his bail bond.

(Vinod Kumar Sinha, J)

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