

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.876 of 2018

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Vivek Kumar, S/o Arjun Ram Under Guardianship of his
uncle namely Sant Kumar Das, resident of Village-
Daudnagar, P.S.- Daudnagar, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Guddu Prasad, S/o Ram Chandra Ram, resident of
Panchkatwa, Chamar Toli, Ward No. 21, P.S.-
Daudnagar, District- Aurangabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Respondent/s : Mr. Madhuranand Jha

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 10-08-2018 The petitioner, who is a juvenile has approached this

Court through his uncle, for his release from remand home
where he has been lodged in connection with Daudnagar P.S.
Case No. 127 of 2018 dated 19.04.2018, instituted for the
offences under Sections 147, 148, 149, 323, 302, 448, 504
of the Indian Penal Code and Section 27 of the Arms Act.

The petitioner/juvenile is in remand home since
20.04.2018.

The age of the petitioner/juvenile was assessed by the
Juvenile Justice Board as less than sixteen years on the date
of occurrence.

There was a marriage party in the village of the



petitioner/juvenile when on the issue of playing of Bhojpuri songs, the accused persons including the petitioner starting fighting and firing indiscriminately leading to injuries to one person and death of another.

The learned counsel for the petitioner has drawn the attention of this Court to the averments made in the F.I.R where specific act of firing has been attributed to two adult persons of the village. The father of the petitioner has also been made accused and perhaps, for his parentage alone, he too has been made accused in the F.I.R without there being any specific allegation against him. The petitioner is a student of Class-X and has been prosecuting his studies. It has further been submitted that Social Investigation Report refers to his good behaviour.

Considering the aforesaid facts, the order dated 11.06.2018 passed by the Juvenile Justice Board, Aurangabad in J.J.B. Case No. 698 of 2018, G.R. Case No. 302 of 2018, arising out of Daudnagar P.S. Case No. 127 of 2018, rejecting the prayer of the petitioner/juvenile for being released from juvenile home as well as the order dated 02.07.2018 passed by the learned 1st Additional Sessions Judge, Aurangabad in Cr. Appeal No. 34 of 2018 / 10 of 2018, affirming the aforesaid order, are set aside.

The petitioner/juvenile, above named, is directed to



be released on his furnishing bond in the sum of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Juvenile Justice Board, Aurangabad in connection with J.J.B. Case No. 698 of 2018, G.R. No. 302 of 2018, arising out of Daudnagar P.S. Case No. 127 of 2018.

One of the bailors shall be the Sant Kumar Das, uncle of the petitioner, who at the time of filing of his bonds shall furnish an undertaking that he shall take good care of nephew and shall report about any disobedience of his nephew to the Officer-in-charge of the concerned Police Station.

The present revision petition is accordingly allowed.

(Ashutosh Kumar, J)

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