

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No. 1218 of 2017

Arising Out of PS.Case No. -47 Year- 2014 Thana -CHANAN District- LAKHISARAI

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Pramod Kumar Yadav @ Lara @ Pramod Kumar, Son of- Late Indradeo Yadav, through his mother and natural guardian, namely Gayatri Devi, W/o- Late Indradeo Yadav, resident of Village- Basmatiya, P.S.- Chanan, District- Lakhisarai.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Adv.
For the State : Mrs. Renuka Ratnakar, A.P.P.
For the Informant : Mr. Manoj Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL JUDGMENT
Date: 03-01-2018

Power is filed on behalf of the informant.

Heard learned counsel for the petitioner, learned counsel for the State as well as learned counsel appearing for the informant.

This revision petition has been preferred against the order dated 16.10.2017 passed by learned Additional Sessions Judge-I, Lakhisarai in Cr. Appeal No. 27 of 2017 by which and whereunder he dismissed the aforesaid appeal refusing to release the petitioner on bail on the ground that release of the petitioner would bring him into association of bad elements.

The petitioner was made accused in Chanan P.S. Case No. 47 of 2014 on the ground that he along with his father and other



family members assaulted the deceased. The petitioner earlier preferred bail petition twice before this court but on both occasions, he failed to get favourable order from this court. However, in the meantime, petitioner claimed himself juvenile and it would appear from perusal of the impugned order that he was declared juvenile by the competent authority vide order dated 11.09.2017 and after aforesaid declaration he preferred fresh bail petition before the Juvenile Justice Board but his bail prayer was refused by the Juvenile Justice Board vide order dated 16.09.2017 taking note of seriousness of the offence. The petitioner challenged the order dated 16.09.2017 passed by Juvenile Justice Board before the Additional Sessions Judge by filing Cr. Appeal No. 27 of 2017 which was dismissed vide impugned order dated 16.10.2017.

Learned counsel appearing for the petitioner submits that petitioner is in custody since 25.01.2016 and as a matter of fact, after rejection of bail prayer by this court the petitioner was declared juvenile by the competent authority and the aforesaid order has not been challenged by the prosecution as yet. He further submits that there is nothing on the record to show that release of the petitioner shall bring him into association of bad elements and, therefore, petitioner deserves to be released on bail.

On the other hand, learned counsel appearing for the



informant vehemently opposed the prayer submitting that there is specific and serious allegation of committing murder against the petitioner and, therefore, he should not be released on bail.

No doubt, earlier the prayer for bail of the petitioner was twice rejected by this court taking into account the allegation levelled against the petitioner as well as nature of the offence but it is an admitted position that after the aforesaid rejection orders, the petitioner was declared juvenile by the competent authority vide order dated 11.09.2017. It is well settled principle of law that while considering the prayer for bail of a juvenile, the nature of offence does not have very much importance and it has only to be seen as to whether the release of the juvenile shall bring him into association of known criminals or not. The order dated 16.09.2017 passed by Juvenile Justice Board as well as impugned order dated 16.10.2017 passed by learned Additional Sessions Judge-I, Lakhisarai do not reflect any material to show that the release of the petitioner shall bring him into association of known criminals. Moreover, the fact of the present case goes to show that alleged occurrence took place on account of petty dispute.

Therefore, considering the aforesaid facts and circumstances as well as submissions of the parties, this revision petition is allowed and the impugned order dated 16.10.2017 passed



in Cr. Appeal No. 27 of 2017 is, hereby, set aside and accordingly, petitioner is directed to be released on bail to the satisfaction of Juvenile Justice Board, Lakhisarai in connection with Chanan P.S. Case No. 47 of 2014 subject to condition that close relative of the petitioner shall execute bond of rupees ten thousand and shall also give an undertaking that he shall take care of the petitioner till he attains majority and shall produce him before the Juvenile Justice Board, Lakhisarai in course of trial. It is made clear that if close relative of the petitioner fails to give above stated undertaking, the Juvenile Justice Board, Lakhisarai shall not release the petitioner and the petitioner shall be kept in Remand Home till completion of his trial.

(Hemant Kumar Srivastava, J)

SHAHZAD/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	05.01.2018
Transmission Date	05.01.2018

