

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.653 of 2018

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Santosh Yadav @ Bishwas Kumar @ Bishvas, son of Suresh Yadav, resident of Village- Malman, P.S.- Tekari, District- Gaya, who is under the guardianship of Suresh Yadav, father and natural guardian.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s :Mr. Surendra Kr. Mishra, Adv.

For the State :Md. Ram Priya Sharan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

4 27-08-2018

The petitioner, whose age was assessed to be 14 years and some months on the date of the occurrence, by the learned Juvenile Justice Board, Gaya, has been made accused in connection with Tekari P.S. Case No. 212 of 2014, dated 27.07.2014, instituted for the offences under Section 302 of the Indian Penal Code and Section 27 of the Arms Act.

The First Information Report, which has been lodged by the brother-in-law of the deceased, is against unknown. The informant is said to have been informed by



the son of the deceased that somebody in the night had shot his father dead. On enquiry from his sister, the informant learnt that his brother-in-law had been killed. Later, during the course of the investigation, the wife of the deceased and her children stated that they had seen the juvenile/petitioner and others fleeing away from the house and at that time, all the accused persons including the juvenile/petitioner were carrying fire arms.

The learned counsel for the petitioner has submitted that had the allegation been true, the son of the deceased would surely have informed the informant, in the first instance, that the juvenile/petitioner and others were seen running away from the place of the occurrence. It has further been submitted that because of dispute over irrigation of village land, the occurrence is said to have taken place. Thus, there is only a guesswork that the juvenile/petitioner and others have killed the deceased. There is no eye-witness to the occurrence.

The prayer of the juvenile/petitioner for his release from the Remand Home has been rejected by the Juvenile Justice Board, Gaya *vide* order dated 23.03.2018. The learned Appellate Court, *i.e.*, the Court of learned Addl. District and Sessions Judge-II, Gaya has affirmed the aforesaid order of the Juvenile Justice Board *vide*



order dated 26.04.2018, passed in Cr. Appeal No. 43 of 2018, on the ground that there is evidence in the investigation papers about the complicity of the juvenile/petitioner in the aforesaid occurrence.

There is nothing on record to suggest that there is a possibility of the juvenile/petitioner falling in bad company in case he is directed to be released from the Remand Home, where he has been lodged since 14.11.2017.

Considering the nature of accusation, the age of the juvenile/petitioner at the time of the occurrence and the period for which he has remained in the Remand Home, this Court deems it appropriate to direct for his release from the Remand Home.

The juvenile/petitioner is directed to be released from the remand home on his furnishing bail bond in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Principal Judge, Juvenile Justice Board, Gaya in connection with Tekari P.S. Case No. 212 of 2014 (G.R. No. 3558 of 2014/Trial No. 243 of 2018).

One of the bailors shall be the father of the juvenile/petitioner, who, at the time of the filing of the bonds, shall give an undertaking that he shall take good



care of his son and in case the juvenile/petitioner does not pay heed to his advice, he would report such matter forthwith to the Officer-In-Charge of the concerned police station.

This revision petition is, accordingly, allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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