

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.747 of 2018

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1. Alif Raja, Son of Late Shahid Ali, Resident of Village- Hayatpur, P.S.-
G.B. Nagar, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar

For the Respondent/s : Mr. Sri Ram Sevak Choudhary

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 29-10-2018 This revision application has been filed against the judgment dated 26.5.2018 passed by the Additional District and Sessions Judge Ist, Siwan in Criminal Appeal No.14 of 2018 by which he has affirmed the order dated 28.2.2018 passed by the learned Juvenile Justice Board, Siwan in Juvenile Trial No.4 of 2018 by which the prayer for bail of the petitioner was rejected.

The prosecution case in short is that the informant lodged a fardbeyan stating *inter alia* that when she along with her husband and younger brother were sleeping, four persons came on two motorcycles and they were armed with knife and *katta* and started assaulting her husband and brother by knife and *katta* and also fired causing injury to them and later on husband of the informant died. It appears that the juvenile petitioner claims himself to be juvenile and on enquiry he was found aged about 14 years, 06 months and 07 days.



It further appears that the petitioner had preferred application under Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 and his prayer for bail was rejected by the J.J.B. on the ground that the prosecution report is against him and the offence is heinous in nature vide order dated 28.2.2018, against which the petitioner preferred appeal and the same was also rejected vide judgment dated 26.5.2018 passed in Cr. Appeal No.14 of 2018 by the Ist Additional Sessions Judge, Siwan on the ground that social investigation report is against him and he has criminal antecedent also and there is chance of his being exposed to the social, physical and psychological danger.

Being aggrieved by the aforesaid impugned judgment and the impugned order, the present appeal has been preferred by the petitioner.

Submission of the learned counsel for the petitioner is that there is no specific allegation of assault against the petitioner and there is general and omnibus allegation against him and whereas one of the co-accused against whom there is similar allegation has been granted bail by a Co-ordinate Bench of this Court, vide order dated 13.4.2018 passed in Cr. Misc. No.4797 of 2018 .

It is further submitted that the petitioner is in custody for more than one year and the family members of the petitioner also undertakes to protect him from exposure to the ante social



elements.

Heard learned APP as well as learned counsel for the informant. They have opposed the prayer for bail of the petitioner stating that he is accused in one more case.

Having heard both sides and in view of the fact that the mother of the petitioner undertakes to protect him from the exposure to the social, physical and psychological danger and the petitioner is in custody for more than one year, as such this revision application is allowed, the impugned order dated 26.5.2018 passed by the learned Addl. Sessions Judge Ist, Siwan and the order dated 28.2.2018 passed by the J.J.B., Siwan are set aside and the petitioner is directed to be released on bail on bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of J.J.B., Siwan in connection with G.R.No.2978 of 2017 Goriyakothi P.S.case No.131 of 2017 with condition that one of the bailors must be his mother and further during the pendency of this case, he will be under the supervision of the Probation Officer and if any adverse is found against him, the prosecution may move for cancellation of his bail bond.

(Vinod Kumar Sinha, J)

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