

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.296 of 2019**

Arising Out of PS. Case No.-100 Year-2018 Thana- MUFFASIL District- Aurangabad

1. ROHIT KUMAR @ ROHIT PASWAN Son of Santosh Paswan R/o village- Poharama, P.S- Aurangabad, District- Aurangabad
2. Vikash Kumar @ Vikash Paswan Son of Shravan Paswan @ Shravan Kumar @ Shravan Kumar Paswan R/o village- Poharama, P.S- Aurangabad, District- Aurangabad

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Shailesh Kumar Singh
For the Respondent/s	:	Mr.Mohammad Sufyan

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

4 22-05-2019 1. Learned counsel for the petitioners is permitted to correct the alias name of the petitioner no. 1, Rohit Kumar @ Rohit Paswan as adverted in the title portion of the petitioner during course of the day.

2. Petitioners have preferred this revision application under Section 53 of the Juvenile Justice (Care and Protection of Children) Act, against the order dated 17.1.2019 passed by learned 1st Additional Sessions Judge, Aurangabad in Cr. Appeal No. 79/18/1/19 by which the order dated 15.12.2018 passed by the learned Juvenile Justice Board, Aurangabad in G.R. No. 1028 of 2018 and J.J.B. Case No. 769 of 2018, arising out of Aurangabad Muffasil P.S. Case No. 100 of 2018 has been



confirmed and the prayer of the petitioners for grant of bail has been rejected.

3. Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

4. Over dispute of playing cricket on exhortation of accused Bharat Paswan, accused Santosh Paswan assaulted on the head of the brother of the informant by means of lathi inflicting injury on his head sustaining injury he fell down on the ground, other co-accused also assaulted him by means of lathi. Injured was rushed to the hospital but he was declared brought dead.

5. It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in the case due to animosity. They do not happen to be assailant of the deceased, as as per the F.I.R. itself, Santosh Paswan assaulted on the head of the deceased and the doctor has also found only one injury on the person of deceased i.e. on head which proved fatal. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. They have no criminal antecedent. They are minors and have been languishing in custody since 14.12.2018. Similarly situated co-accused namely Ajay Paswan has been



enlarged on anticipatory by a co-ordinate Bench of this Court passed in Cr. Misc. No. 49106 of 2018 vide order dated 18.9.2018 while co-accused Krishna Paswan has been enlarged on regular bail by this Bench passed in Cr. Misc. No. 49587 of 2018 vide order dated 20.9.2018. Uncle of the petitioner No.1 and father of petitioner No.2 are ready to take custody and proper care of them.

6. Learned counsel for the State opposed the prayer of the petitioners (minors).

7. After hearing the learned counsel for the both the parties and on perusal of the materials available on record, I find substance in contention of the learned counsel for the petitioners (minors).

8. Considering the facts and circumstances stated above, in my opinion, the impugned order is not fit to be sustained. Hence, the impugned order is set aside. The petitioners abovementioned are directed to be released on bail on furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned Juvenile Justice Board, Aurangabad G.R. No. 1028 of 2018 and J.J.B. Case No. 769 of 2018, arising out of Aurangabad Muffasil P.S. Case No. 100 of 2018, on the following terms and conditions:-



(i) One of the bailors will be uncle of petitioner no.1
and father of the petitioner no.2 .

(ii) Both the aforesaid bailors will produce the
petitioners in the court if and when required.

(iii) The petitioners will not indulge in similar or in
any other offence.

(iv) in case of their absence for two consecutive dates
or in case of violation of the terms of the bail, their bail bond
will be liable to be cancelled by the learned Juvenile Justice
Board and he will be taken into custody.

9. In the result, this application is allowed.

(Prakash Chandra Jaiswal, J)

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