

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.262 of 2019

Arising Out of PS. Case No.-247 Year-2018 Thana- BHAGWAN BAZAR District- Saran

Aditya Kumar Singh S/o Sudhir Kumar singh, through/under guardianship of
Sudhir Kumar Singh ,R/o Village Nayaka Baraka Baiju Tola, P.S.- Rivilganj,
District- Saran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Harsh Singh

For the Respondent/s : Mr.Kalyan Shankar

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 02-07-2019 Heard learned counsel for the petitioner and learned
APP for the State.

This Criminal Revision has been preferred against the order dated 01.02.2019 passed by 1st Additional Sessions Judge, Saran at Chapra in Criminal (Juvenile) Appeal No.08 of 2019, whereby and where under the 1st Additional Sessions Judge, Saran at Chapra has been pleased to dismiss the appeal of the petitioner and against the order dated 15.01.2019 passed by the Principal Magistrate, Juvenile Justice Board, Chapra rejecting the prayer for bail of the petitioner in connection with Bhagwan Bazar P.S. case No.247 of 2018 corresponding to J.J.B. case No.805 of 2019, registered under Sections 302/34 of I.P.C., pending before the Juvenile Justice Board, Chapra.



Allegation is that the petitioner along with co-accused Anand Kumar Singh caught hold of the informant's brother, namely, Shiv Vinay Rai and co-accused Vikash Singh @ Tiger stabbed him in his chest, due to which he died.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 18.06.2018 and has got no criminal antecedent. Charge sheet has been submitted in this case. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been made accused merely on suspicion. There is no eye witness to the alleged occurrence. Allegation of causing injury is against the co-accused Vikash Singh @ Tiger. At the time of occurrence, the petitioner is alleged to have caught hold of the deceased along with co-accused, namely, Anand Kumar Singh.

The report of the Probation Officer as stated in the order passed by 1st Additional Sessions Judge, Saran at Chapra in Criminal (Juvenile) Appeal No.08 of 2019 does not reveal that there is material to substantiate that the petitioner lacks proper parental care nor there is any conclusive finding by the Probation Officer that in the event of grant of bail the petitioner is likely to go into association of known criminals.

The law requires that reasonable grounds should be



there for believing that in the event of grant of bail the petitioner would go into association of any “known criminal” or exposed to moral, physical and psychological danger or the release of the person would defeat the ends of justice. There is no reference of any known criminal nor there is any other substantial material for the conclusion as recorded by the court below.

Hence, the impugned order suffers from failure to exercise jurisdiction vested in law, is result of error apparent on the face of the record and non-consideration of provisions of law. Accordingly, this Criminal Revision is allowed and the order dated 01.02.2019 passed by 1st Additional Sessions Judge, Saran at Chapra in Criminal (Juvenile) Appeal No.08 of 2019 as well as the order dated 15.01.2019 passed by the Principal Magistrate, Juvenile Justice Board, Chapra in Bhagwan Bazar P.S. case No.247 of 2018 corresponding to J.J.B. case No.805 of 2019 are set aside.

Let the petitioner, who has already been declared juvenile by the learned Juvenile Justice Board, be released in favour of either of his parents on execution of surety bond of Rs.5,000/- (Five Thousand) to the satisfaction of learned Principal Magistrate, Juvenile Justice Board, Chapra in connection with Bhagwan Bazar P.S. case No.247 of 2018



corresponding to J.J.B. case No.805 of 2019, with condition that the petitioner shall be produced as and when required by the Juvenile Justice Board for co-operation of his inquiry.

(Sudhir Singh, J)

Narendra/-

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