

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1385 of 2018

Arising Out of PS. Case No.-50 Year-2017 Thana- KAJRA District- Lakhisarai

SURAJ KUMAR @ SURAJ SINGH, Son of Kiran Singh, R/o Village - Pokhrama, P.S. - Kajra, District - Lakhisarai under the guardianship of his mother Sanju Devi, Wife of Kiran Singh, R/o Village - Pokhrama, P.S. - Kajra, District - Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate

For the Respondent/s : Mr. Sunil Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 14-05-2019 Heard learned counsel for the parties.

This criminal revision has been preferred, under Section 102 of the Juvenile Justice (Care & Protection) Act, against the order dated 31.08.2018, passed by the learned 1st Additional Sessions Judge-cum-Special Judge-cum-Juvenile Court, Lakhisarai, in G.R. Case No. 884 of 2017 arising out of Kajra P.S. Case No. 50 of 2017.

According to FIR, three other co-accused were assaulting with dagger to Sanjeev Kumar. The rest three were carrying pistol. Out of them, co-accused Kiran Singh and Angad Kumar fired at Sanjeev Kumar causing his instant death. The petitioner also fired, however, no injury was caused to the informant. Thereafter all the FIR named accused persons



committed murder of Ram Shekhar Singh and Tipu Kumar. Here also co-accused Rohit Kumar and Ramaiya Kumar caused dagger blow to Ram Shekhar Singh and Krishan Kumar gave dagger blow to Tipu Kumar as a result whereof both died. The accused, who were carrying firearm, namely, Kiran Singh and Guddu Kumar caused firearm injury to Ram Shekhar Singh and Tipu Kumar as a result whereof Tipu Kumar died. Here also, the petitioner fired, however, no injury was caused to any one. The petitioner was declared juvenile on 08.02.2018 by the learned Children Court, Lakhisarai. However, prayer for bail has been refused by order dated 31.08.2018 on the ground that there is chance that the petitioner will go in association of unsocial element and might commit some other crime.

Contention of learned counsel for the petitioner is that for refusal of bail on the aforesaid ground, there must be material to support the reason that the petitioner is likely to go into association with any known criminal.

In this case, there is no material disclosing identity of the known criminal in whose association, the petitioner was suspected to go. Another ground for refusal of bail that the petitioner would repeat the same offence is based on conjecture and surmises. There was no material for such opinion against



the petitioner, hence, the impugned order is contrary to the requirement of law, as such, not sustainable in law.

I find substance in the submission of learned counsel for the petitioner. Petitioner is in custody since 22.08.2017. Hence, let the petitioner, above named, be released on bail, in connection with the above mentioned case, in favour of her mother because father Kiran Singh is already accused in this case, on execution of bond that mother would produce the petitioner as and when required during inquiry/trial and shall maintain proper upkeep of the petitioner.

With the aforesaid observation, this criminal revision stands allowed.

(Birendra Kumar, J)

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