

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.640 of 2019

Arising Out of PS. Case No.-7 Year-2019 Thana- DEEPNAGAR District- Nalanda

Sonu Kumar @ Sonu Paswan, Son of Ram Pravesh @ Ram Pravesh Paswan,
Resident of Village - Maghra, P.S. - Deepnagar, District - Nalanda, Minor son
of Ran Pravesh @ Ram Pravesh Paswan, through his mother namely Gita
Devi under natural guardianship, R/O Village - Maghra, P.S. - Deepnagar,
District - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Raj Kishor Prasad
For the Respondent/s : Mr.Md. Ataur Rahman

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 28-05-2019 Heard learned counsel for the petitioner and the State.

The petitioner is aggrieved by the order dated 30.04.2019 passed by the 1st Additional Sessions Judge-cum-Special Judge, Nalanda at Bihar Sharif in Juvenile Appeal No. 12 of 2019 whereby he has rejected the application for bail and affirmed the order dated 11.04.2019 passed by the Juvenile Justice Board, Bihar Sharif, Nalanda in J.J.B. No. 109 of 2019, arising out of Deepnagar P.S. Case No. 07 of 2019.

Learned counsel for the petitioner submits that in the instant case allegation was made against 400-500 persons that equipped with Lathi and strip of bamboo and bricks they assembled and entered the house of the informant and murdered



her son Indal Paswan with lathi and bricks.

From the F.I.R. there is no allegation of any overt act against this petitioner. On the date of occurrence, the petitioner was aged about 16 years and simply because the petitioner was alleged to be the member of the mob is no ground to refuse bail to the petitioner, who is in custody since 04.01.2019. The appellate court simply noted the provision of Section 12 of the J.J. Act and then refused to grant bail to the petitioner. The Probation Officer report indicate that the petitioner required regular counselling and proper guidance and the court held out that such regular counselling and proper guidance is only available in Remand Home and not in the family. The Court take judicial notice of the fact that the Remand Home and Observation Home is in fact not a place for correction, rather it is counter productive and no reform is seen in the inmates who are kept in Observation Home or the Remand Home. To the contrary inmates of such Observation Home become threat to the society instead of any reform.

Considering the fact that there is no allegation of any overt act against this petitioner and he is only the members of the mob of 400-500, the Court is inclined to allow this application and set aside the order dated 30.04.2019 passed by



the 1st Additional Sessions Judge-cum-Special Judge, Nalanda at Bihar Sharif in Juvenile Appeal No. 12 of 2019 as well as the order dated 11.04.2019 passed by the Juvenile Justice Board, Bihar Sharif, Nalanda in J.J.B. No. 109 of 2019, arising out of Deepnagar P.S. Case No. 07 of 2019.

Accordingly, this application is allowed and the petitioner, named above, is directed to be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of Juvenile Justice Board, Bihar Sharif, Nalanda in J.J.B. No. 109 of 2019, arising out of Deepnagar P.S. Case No. 07 of 2019 subject to the condition that the bailors should be the natural guardian/family member of the petitioner.

It shall be the obligation on the natural guardian/family member to ensure appearance of the petitioner on the date fixed in the case. In the event, any complaint is received as to terrorizing the witnesses, the Juvenile Justice Board shall be at liberty to cancel his bail bonds.

(Anil Kumar Upadhyay, J)

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