

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.636 of 2019

Arising Out of PS. Case No.-26 Year-2019 Thana- THAWE District- Gopalganj

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Jishan Parvej @ Jishan Parwez, Son of Zaffar Imam, Resident at Ward No.18,
Kali Mandir Road, Jangaliya, Police Station- Gopalganj Town, District-
Gopalganj under guardianship of his mother namely Najim Tara.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Javed Aslam

For the Respondent/s : Mr. Jitendra Kumar Singh

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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 16.04.2019 passed by the learned Sessions Judge, Gopalganj in Cr. Appeal No. 35 of 2019 whereby he has rejected the application for bail and affirmed the order dated 19.03.2019 passed by the Principal Magistrate, Juvenile Justice Board, Gopalganj in J.E. No. 27 of 2019, arising out of Thawe P.S. Case No. 26 of 2019.

Allegation in the instant case is that some unknown miscreants were planning to commit crime near Primary School, Khanpur and after seeing the police party three fled away and rest were apprehended. One country made pistol was lying near the school and one knife, country made pistol, motorcycle and



mobile with SIM was recovered from the possession of Harish Ezaz @ Chhotu.

Learned counsel for the petitioner submits that the petitioner has got no criminal antecedent. Admittedly the petitioner is a juvenile and no fire-arm was recovered from his possession.

From the materials available on record, it appears that petitioner was not involved in commission of serious crime. From perusal of the order passed by the Sessions Judge, it appears that the Sessions Judge has completed only formality in rejecting the appeal and has not considered the case of the petitioner within the parameters of Juvenile Justice Act.

The attending facts and circumstance of the case indicate that there is no material to indicate that the petitioner was involved in the commission of any serious offence and in such situation rejecting the application for bail is in the teeth of the provisions of the Juvenile Justice Act.

In the backdrop of the facts and circumstances discussed above, the Court is inclined to allow this application and set aside the order dated 16.04.2019 passed by the learned Sessions Judge, Gopalganj in Cr. Appeal No. 35 of 2019 as well as the order dated 19.03.2019 passed by the Principal



Magistrate, Juvenile Justice Board, Gopalganj in J.E. No. 27 of 2019, arising out of Thawe P.S. Case No. 26 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 Principal Magistrate, Juvenile Justice Board, Gopalganj in J.E. No. 27 of 2019, arising out of Thawe P.S. Case No. 26 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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