

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.697 of 2019

Arising Out of PS. Case No.-17 Year-2018 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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RAJA BABU, aged about 17 years, Male, Son of Mohan Roy, under the guardianship of Mohan Roy (natural guardian as father), son of Amiri Roy, resident of Mohalla-Yadav Nagar, Bhagwanpur, P.S.- Sadar, Distt-Muzaffarpur.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Ganesh Prasad Singh, Advocate.
For the State : Mr.Binod Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 24-09-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

This Criminal Revision has been preferred against the order dated 06.04.2019, passed by learned 1st Additional District & Sessions Judge-cum-Special Judge, Child Court, Muzaffarpur in Cr. Appeal No. 24 of 2019, whereby and whereunder learned 1st Additional District & Sessions Judge-cum-Special Judge, Child Court, Muzaffarpur, has dismissed the appeal of the petitioner and also the order dated 22.02.2019, passed by learned Juvenile Justice Board, Muzaffarpur, in Sadar P.S. Case No. 17 of 2018 by which the learned Juvenile Justice Board has rejected the prayer of bail of the petitioner registered



under Sections 394, 302 of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that the informant is the driver of Bolero vehicle and on 10.01.2018, he was at Darbhanga Railway Station and about 8.00 P.M., two persons who were aged about 20-25 years, came and asked for hiring his vehicle for going to Muzaffarpur. Upon which, he demanded Rs. 4,000/- from them. However, on Rs. 1700/-he went with vehicle for Muzaffarpur with them alongwith one lady. In the way, they got stopped his vehicle at IDBI ATM and one person went to ATM and thereafter went to SBI ATM and thereafter they proceeded for Muzaffarpur. In the way, from Durga Temple,Bela, he picked up the owner of Bolero vehicle, namely, Chandradeep Narayan Bhagat and at about 10.30 P.M., he reached at Gobarsahi, Muzaffarpur, then they reached at Parmanandpur Dumari under constructed four lane where they got stopped his Bolero and one person shot fired at the head of Chandradeep Narayan Bhagat and seeing the situation, the informant fled away from there and they also fired upon him which did not hit him. It is alleged that after fleeing some distance, he told about the occurrence to the villagers, who came at the place of occurrence and found injured Chandradeep Narayan Bhagat and culprits were taken the Bolero vehicle and



the Mobile of injured Chandradeep Narayan Bhagat. The injured was taken at SKMCH, Muzaffarpur, where the doctor declared him dead.

It has been submitted by learned counsel for the petitioner that the petitioner is languishing in custody since 03.07.2018. Charge sheet has been submitted in the present case. The petitioner has falsely been implicated in the present case. The petitioner is not named in the F.I.R. The name of the petitioner has come on the basis of confession made in another case. There is no recovery of any incriminating article from conscious possession of the petitioner. The petitioner has not been put on T.I. Parade.

On behalf of the State, it has been submitted that the petitioner is not named in the F.I.R. The petitioner has got also criminal antecedent. As per allegation made by the driver of the vehicle in question, three accused persons including the petitioner shot dead the owner of the vehicle and later on they ran away with the vehicle. The informant is an eye witness to the alleged occurrence. During the course of investigation, co-accused Anjali Kumari @ Rani has also confessed that this petitioner has shot dead the owner of the vehicle and the driver of the vehicle fled away from the place of occurrence and this



petitioner and other accused persons taken away the vehicle.

Further the report of the Probation Officer reveals that the petitioner has friendship with some criminals. The petitioner has also an accused in some other cases.

Considering the aforesaid facts and circumstances, I find no infirmity in the order dated 06.04.2019, passed by learned 1st Additional District & Sessions Judge-cum-Special Judge, Child Court, Muzaffarpur in Cr. Appeal No. 24 of 2019 and also the order dated 22.02.2019, passed by learned Juvenile Justice Board, Muzaffarpur, in Sadar P.S. Case No. 17 of 2018.

Accordingly, the present Criminal Revision application stands dismissed.

The court below is directed to expedite the trial of the petitioner and conclude the same at the earliest.

(Sudhir Singh, J)

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