

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1212 of 2018

Arising Out of PS. Case No.-306 Year-2017 Thana- DUMRAO District- Buxar

Chhotu Yadav @ Pratyush @ Pratyus Kumar son of American Singh, under guardianship of Father Resident of Village- Piria Ke Dera, P.S. Dumraon, District- Buxar Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Upendra Prasad, Adv
	:	Mrs. Veena Kumari Jaiswal, Adv
	:	Mr. B. N. Gupta, Adv
For the State	:	Mr. Sadanand Paswan, Adv

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 30-04-2019

Heard learned counsel for the parties.

Co-accused-Kiran Devi, the wife of the deceased had allegedly developed extra marital relation with the petitioner and to continue with the relationship with the petitioner she decided to commit murder of her husband and under a conspiracy, the petitioner and his associates allegedly committed murder of the husband of Kiran Devi in her house after bitterly assaulting. The aforesaid fact has come in the confessional statement of Kiran Devi before the police. Petitioner is not named in the FIR. Petitioner was declared juvenile by the Juvenile Justice Board. However, prayer for bail was refused.



Appeal against refusal of prayer for bail was also dismissed by the learned A.D.J.-I, Buxar on 23.05.2018 vide Dumraon P.S.Case No.306 of 2017/Child Special Case No.02 of 2018. Hence, this criminal revision under Section 102 of the Juvenile Justice (Care and Protection of Children) Act 2015.

So far merit of the allegation is concerned, except confessional statement of co-accused before the police while in police custody, there is no other material against the petitioner nor the impugned order would reveal that what was the nature of report of social investigating officer against the petitioner. Hence, the impugned order is set aside and this criminal revision is allowed.

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 A.D.J.-I, Buxar-cum-Special Judge, SC/ST and POSCO Act, Buxar in connection with Dumraon Police Station Case No.306 of 2017, Child Special Case No.02 of 2018, with condition that the parent shall file affidavit that he or she shall



maintain proper upkeep of the petitioner and shall produce the
petitioner during course of enquiry as and when required by
the Juvenile Justice Board for cooperation.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.05.2019
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