

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1283 of 2018

Arising Out of PS. Case No.-316 Year-2017 Thana- BIHIA District- Bhojpur

1. Prakash Thakur @ Prakash Kumar Thakur s/o Sri Devanand Thakur minor s/o Sri Devanand Thakur under the natural guardianship of his mother Smt. Shila Devi.
2. Akash Thakur @ Akash Kumar Thakur, Both son of Devanand Thakur minor s/o Sri Devanand Thakur under the natural guardianship of his mother Smt. Shila Devi.
3. Vimlesh Thakur @ Bimlesh Kumar Thakur Son of Ram Pravesh Thakur minor s/o Ram Pravesh Thakur under the natural guardianship of his father Sri Ram Pravesh Thakur.
All Resident of Village-Gaura, Police Station-Bihiya, in the district of Bhojpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Prabhu Narayan Sharma, Adv
For the Respondent/s : Mr. Sri Mukeshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 13-03-2019 Heard learned counsel for the parties.

The present revision application has been preferred by the petitioners against the order dated 12.09.2018, passed by learned Sessions Judge, Bhojpur, Ara in Cr. Appeal No. 29 of 2018, by which, the appeal of the petitioners for grant of bail against the order dated 07.06.2018 of Juvenile Justice Board, Ara in JJB Case No. 1280 of 2017 in Bihiya P.S. Case No. 316 of 2017 giving rise to G.R. No. 3849 of 2017, has been dismissed.

Informant has alleged in his written complaint that on



29.03.2017 at about 8:30 pm Akash Thakur, Prakash Thakur (petitioners) were having altercation with Dablu Thakur in Durga Puja Pandal which was pacified by his Grandson Sunder Pandey, thereafter at 11:00 pm in Puja Pandal accused Ramdeo Thakur, Munna Thakur, Devanand Thakur, Vimlesh Thakur (petitioner) came and started terrorizing by blank firing. On 30.09.2017 at about 8:30 am all above named accused came to his house variously armed and started blank firing and prior thereto at 5:20 am all above persons instigated Devanand Thakur @ Tunnu Thakur who fired upon his younger brother Raj Narayan Pandey and he died on the spot. Reasons for incidence is previous dispute during panchayat election.

It has been submitted that petitioners are minor and have been declared juvenile and their case has been referred to Juvenile Justice Board and have been falsely implicated in this case because of dispute between the families. There is no allegation against the petitioners of committing any offence or any overt act.

The Juvenile Justice Board, Ara rejected the bail application of petitioners by order dated 07.06.2018 in JJB Case No. 1280 of 2017 in Bihiya P.S. Case No. 316 of 2017 giving rise to G.R. No. 3849 and Sessions Judge, Bhojpur, Ara also



dismissed the appeal filed by the petitioners vide order dated 12.09.2018 in Cr. Appeal No. 29 of 2018.

According to the learned counsel for the petitioners, no fruitful purpose will be served if the petitioners are allowed to remain in the Remand Home. It has further been submitted on behalf of petitioners that from the record it does not appear that if the petitioners are released, they will be exposed to mental, physical and psychological danger or likely to bring them into association with any known criminal.

Considering the above, this revision application is allowed. The order dated 12.09.2018, passed by learned Sessions Judge, Bhojpur, Ara in Cr. Appeal No. 29 of 2018, is set aside.

The petitioners, named above, are directed to be released from the Remand Home on furnishing bail bonds of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of like amount each to the satisfaction of learned Principal Member, Juvenile Justice Board, Ara, in connection with JJB Case No. 1280 of 2017 in Bihiya P.S. Case No. 316 of 2017 giving rise to G.R. No. 3849 subject to the condition that:-

One of the bailors of the petitioners shall be their father/mother who at the time of filing of the bonds, shall also



give an undertaking that he/she will take good care of the petitioners and in case petitioners does not act as per his/her advice, he/she shall report the matter to the office-in-charge of the concerned police station and further during period of bail, the petitioners will be under the supervision of concerned Probation Officer.

This revision application stands allowed.

(S. Kumar, J)

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