

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1434 of 2018

Arising Out of PS. Case No.-326 Year-2018 Thana- BUXAR District- Buxar

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Golu Pandey @ Anurag Pandey Son of Arun Kumar Pandey @ Arun Pandey
Resident of Village-College Gate Charitravan, Police Station Buxar (T), Distt.-
Buxar under the Guardianship of Arun Pandey of Village College Gate
Charitravan, P.S. Buxar T, Distt.-Buxar (Father of the petitioner).
... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Nitya Nand Tiwary
For the Respondent/s : Mr.Sri Kumar Virendra Narayan

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

6 29-03-2019 Heard learned counsel for the parties.

The present revision application has been preferred by the petitioner against the order dated 15.10.2018, passed by learned Additional District & Sessions Judge-1st, Buxar in Cr. Appeal No. 70 of 2018 (arising out of Buxar(T) P.S. Case No. 326 of 2018), by which, the appeal of the petitioner for grant of bail against the order dated 02.08.2018 of Juvenile Justice Board, Buxar in J.J. Board Case No. 623 of 2018, has been dismissed.

Informant (Saddam Khan) has alleged in his fardbeyan that he and Sonu Pal (deceased) had gone to attend Tilak ceremony of their friend Santosh Kumar where at about



8:00 pm, Rohit singh, Rishi Ojha, Sandip Singh, Gorak Singh they also started eating with them. There was some altercation between his friend Sonu Pal and Rishi Ojha upon which Santosh Pal slapped Rishi Ojha, however, the matter was pacified. After Tilak at about 11:05 pm when they were returning along with Ashu Singh and Dipak Yadav he saw Shekhar Singh, Rohit Singh , Sandip Singh, Gorakh singh, Antey Singh, Golu Pandey (petitioner), Vicky Patel, Bhanu Pandey, Anish Pandey, Samir Singh and 2-3 unknown persons who came and surrounded them, Shekhar Singh started abusing him and fired upon him but shot missed his head thereafter Rohit Singh caught Sonu Pal and Golu Pandey(petitioner) fired on his chest as a result of which he fell down and was declared brought dead by Doctor in Hospital.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case. It has been further stated that in-fact it is difficult to identify the particular person among thirteen accused persons as to who had fired upon the deceased Sonu Pal when Informant himself stated that two accused persons fired upon him and anyhow he saved himself. Petitioner has been falsely implicated as he was not present in Tilak ceremony nor had any dispute with deceased.



Petitioner has got no criminal antecedent and at the time of occurrence his age was 13 years 7 months and 20 days and is also not keeping good health.

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

Considering the above, this revision application is allowed. The order dated 15.10.2018, passed by learned Additional District & Sessions Judge-1st, Buxar in Cr. Appeal No. 70 of 2018 (arising out of Buxar(T) P.S. Case No. 326 of 2018), is set aside.

The petitioner, named above, is directed to be released from the Remand Home on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of like amount each to the satisfaction of learned Principal Member, Juvenile Justice Board, Buxar, in connection with J.J. Board Case No. 623 of 2018, subject to the condition that:-

One of the bailors of the petitioner shall be his



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 petitioner and in case petitioner 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 petitioner will be under the supervision of concerned Probation Officer.

This revision application stands allowed.

(S. Kumar, J)

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