

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.113 of 2020

Arising Out of PS. Case No.-175 Year-2019 Thana- BUXAR MUFFSIL District- Buxar

XXX

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ashwini Kumar Rai, Advocate

For the Respondent/s : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 30-06-2020

The matter has been heard *via* video conferencing due to lockdown imposed on account of the COVID-19 pandemic.

2. Heard Mr. Ashwini Kumar Rai, learned counsel for the petitioner and Mr. Lalan Kumar, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. Though the petitioner has given full description in the application, it would be inappropriate to disclose his identity in view of the statutory provisions prescribed under Section 74 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (for short ‘the Act of 2015’). Thus, he is being referred to in the cause title as XXX.

4. Registry while uploading the order on the website shall also ensure that the cause title is reflected in similar manner.



5. This criminal revision application has been preferred under Section 102 of the Juvenile Justice (Care & Protection of Children) Act, 2015, against the judgment dated 13.12.2019 passed by the Additional Sessions Judge, 1st, -cum- Special Judge, Buxar, in Criminal Appeal No.99 of 2019, whereby the appeal was dismissed affirming the order dated 23.10.2019 passed by the Juvenile Justice Board, Buxar, in JJB Case No.593 of 2019 arising out of Buxar (Mufassil) P.S. Case No.175 of 2019 registered under Section 392 of the Indian Penal Code, refusing prayer for bail of the petitioner.

6. The petitioner is lodged in the Observation Home.

7. The allegation against the petitioner, along with two others, is of looting rupees one lakh fifty thousand from the informant after putting him under fear of death by pointing pistol.

8. Learned counsel for the petitioner submitted that the petitioner is aged between 14-15 years and he has been falsely implicated in the present case. It was submitted that in another case one cartridge was recovered from his bag and thereafter he has been remanded in five other cases, including the present one. Learned counsel submitted that there is no recovery in any of such cases from the petitioner. Learned counsel submitted that the informant has categorically stated



that he would recognize the persons, but no Test Identification Parade has been held. It was further submitted that the informant has also stated that the culprits were aged between 30-35 years, which clearly falsifies the allegation against the petitioner, as he is between 14-15 years. Learned counsel submitted that the petitioner is in the Observation Home since 07.07.2019.

9. Learned APP submitted that the petitioner is alleged to have looted the money and that he has also five other criminal antecedents. However, on a query of the Court as to when specifically there is statement of the informant in the FIR that the culprits were aged 30-35 years and the petitioner is aged 14-15 years and why no Test Identification Parade was held, learned APP could not answer. Further, the Court has not been shown anything to suggest that releasing him would be against his interest and wellbeing.

10. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court finds that there being no finding recorded that interest of the juvenile would suffer if he is allowed to come out of the Observation Home, he is entitled to live in the company of his family, which is in his best interest.

11. Accordingly, the revision application is allowed.



Let the petitioner be released from the Observation Home, upon furnishing bail bond of Rs.25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the Juvenile Justice Board, Buxar, in JJB Case No.593 of 2019 arising out of Buxar (Mufassil) P.S. Case No.175 of 2019, subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Board on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

(Ahsanuddin Amanullah, J)

J. Alam/-

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