

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL REVISION No.66 of 2020**

Arising Out of PS. Case No.-225 Year-2019 Thana- PANCHRUKHI District- Siwan

Manish Kumar, S/o Ram Sewak Sah, Under the guardianship of his mother-
Paspati Devi, aged about 44 years, gender- Female, wife of Ram Sewak Sah,
R/o Mohalla- Fatehpur, P.S.- Siwan Town, District- Siwan

... .. Petitioner

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Petitioner/s : Mr.Prashant Kumar, Advocate
For the Respondent/s : Mr.Bharat Lal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 13-07-2020 Heard learned counsel for the petitioner and Mr.
Bharat Lal, learned APP for the State.

The petitioner in the present case has been adjudged juvenile. He is seeking setting aside of the order dated 13.12.2019 passed by learned Additional District Judge – 1 – cum – Special Court, Siwan in Criminal Appeal No. 76/2019 in connection with Juvenile Trial No. 266/2019 arising out of Pachrukhi (Sarai O.P.) P.S. Case No. 225/2019 registered for the offences under Sections 302, 201, 120B, 34 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that in the present case in fact there is no material at all against the petitioner save and except that a bald accusation has been made in the First Information Report lodged by the father of the



deceased.

Learned counsel submits that according to the First Information Report the son of the informant had gone to work at the instance of this petitioner and while he was returning from his work, on way this petitioner and some unknown persons had killed his son Kitabuddin.

Learned counsel submits that in course of investigation no witness has come forward to say that he had seen the petitioner along with the deceased on way as is being alleged by his father. It is his submission that it is a case of no evidence.

Learned counsel further submits that in the social investigation report the Probation Officer has recorded that there is no criminal antecedent of any of the family members of the petitioner but the petitioner lacks discipline. Regarding his attitude and behavior no complaint was found from the neighbours of local persons. The Probation Officer has, thus, categorically recorded that on the basis of available materials and in local investigation no adverse information could be gathered about the behaviour of the petitioner. The reason for petitioner allegedly involving in the present case is said to be his indiscipline.



Learned APP for the State has though opposed the prayer for bail of the petitioner but keeping in view the materials available on the record i.e. case diary and social investigation report wherein this Court finds that no independent witness has come forward to say that he had seen the son of the informant with this petitioner while returning from work and further the social investigation report also states that there was no record of any prior criminal act against the petitioner and there was no complaint against his behavioural pattern at local level, considering that the petitioner is a juvenile and at this stage his reunion with the family would be more in his interest and future, this Court directs release of the petitioner on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Juvenile Justice Board, Siwan, in connection with Juvenile Trial No. 266/2019 arising out of Pachrukhi (Sarai O.P.) P.S. Case No. 225/2019.

Subject to condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic during the lockdown period. The authorities concerned shall take appropriate steps to ensure such observance prior to and



after release of the petitioner.

Subject to undertaking to be given by the father of the petitioner that he would keep the petitioner with himself, shall take care of his study and would not allow him to fall in any bad company. The Probation Officer shall also keep on visiting the place of the petitioner from time to time and shall furnish periodical report before the Juvenile Justice Board.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

Avin/Arvind

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

