

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.147 of 2020

Arising Out of PS. Case No.-151 Year-2019 Thana- BUXAR MUFFSIL District- Buxar

VIPUL KUMAR @ VIPUL TIWARI Son of Prakash Tiwari @ Saral Tiwari
Resident of Village - Chhotaki Nainijore, P.S.- Brahmpur, District- Buxar
under the guardianship of his father Prakash Tiwari @ Saral Tiwari and
address as above

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ashwini Kumar Rai
For the Respondent/s : Mr.Madhura Nand Jha

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 02-09-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of virtual Court proceeding.

The matter has been listed under the heading 'For
Orders' under the orders of Hon'ble the Chief Justice.

Heard learned counsel for the petitioner and learned
counsel for the State.

This Criminal Revision has been preferred against the
order dated 09.01.2020 passed by the Additional District &
Sessions Judge 1st-cum-Special Judge, Buxar in Criminal
Appeal No.97 of 2019, whereby and whereunder learned
Additional Sessions Judge, Buxar has upheld the order dated
16.10.2019 passed by the Principal Magistrate, Juvenile Justice
Board, Buxar in J.J.B. case No.588 of 2019 arising out of Buxar



(Mufassil) P.S. case No.151 of 2019, whereby learned Principal Magistrate, Juvenile Justice Board, Buxar has rejected the prayer for bail of the petitioner in connection with J.J.B. case No.588 of 2019 arising out of Buxar (Mufassil) P.S. case No.151 of 2019 registered under Section 392 of the Indian Penal Code.

Prosecution case, in short, is that on 7.6.2019 while the wife of the informant was sitting at Grahak Seva Kendra of Bank of Baroda, suddenly three unknown persons entered into the place and took away Rs.43,600/- on the point of pistol.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 31.07.2019. Charge sheet/prosecution report has been submitted in this case. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner is not named in the F.I.R. His name has transpired in this case on his self confession made before the police. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. The petitioner has not been put on T.I.P. to ascertain his involvement in the alleged occurrence nor there is any recovery of stolen property from the possession of the petitioner.

The report of the Probation Officer is that the petitioner



after completion of matriculation was persuading his studies and preparing for an examination. He was attending coaching classes. Further the report of the Probation Officer does not reveal that there is material to substantiate that the petitioner lacks proper parental care nor there is any conclusive finding by the Probation Officer that in the event of grant of bail the petitioner is likely to go into association of known criminals.

The law requires that reasonable grounds should be there for believing that in the event of grant of bail the petitioner would go into association of any “known criminal” or exposed to moral, physical and psychological danger or the release of the person would defeat the ends of justice.

Hence, the impugned order suffers from failure to exercise jurisdiction vested in law, is result of error apparent on the fact of the record and non-consideration of provisions of law. Accordingly, this criminal revision is allowed and the order dated 09.01.2020 passed by the Additional District & Sessions Judge 1st-cum-Special Judge, Buxar in Criminal Appeal No.97 of 2019 and the order dated 16.10.2019 passed by the Principal Magistrate, Juvenile Justice Board, Buxar in J.J.B. case No.588 of 2019 arising out of Buxar (Mufassil) P.S. case No.151 of 2019, are set aside.



Let, the petitioner, above named, 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 bone of Rs.5000/- (five thousand) to the satisfaction of learned Principal Magistrate, Juvenile Justice Board, Buxar in connection with J.J.B. case No.588 of 2019 arising out of Buxar (Mufassil) P.S. case No.151 of 2019, with the condition that the petitioner will be produced as and when required by the Juvenile Justice Board for co-operation of his enquiry.

(Sudhir Singh, J)

Narendra/-

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