

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.239 of 2020

Arising Out of PS. Case No.-727 Year-2019 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Ayush Singh @ Ayush Kumar Singh, Son of Ashok Kumar Singh, Resident of
Boktha, P.S.- Suppi, Distt – Sitamarhi through his natural guardian namely
Ashok Kumar Singh, Son of Chandeshwari Singh

... .. Petitioner

Versus

The State of Bihar

... .. Respondent

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Appearance :

For the Petitioner/s : Mr.Sunil Prasad Singh, Advocate
For the Respondent/s : Mr.Umanath Mishra, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 16-10-2020 Heard learned counsel for the petitioner and Mr.
Umanath Mishra, learned A.P.P. for the State.

Petitioner in the present case is seeking to set aside
the order dated 10.02.2020 passed in Cr. Appeal No. 81 of 2019
by 1st Additional District and Sessions Judge, Bhagalpur,
whereby and whereunder the order dated 24.10.2019 passed by
learned Principal Magistrate, J.J. Board, Bhagalpur passed in
Sol. Vigilance 04/2019 (arising out of Kotwali (Barari) P.S.
Case No. 727/2019) registered under Sections 224, 225, 384,
120(B), 34 of the Indian Penal Code and Section 7(a) of
Prevention of Corruption Act, 1988 rejecting the prayer for bail
of the petitioner has been upheld.

Learned counsel for the petitioner submits that as per



the First Information Report this petitioner had helped one Vikash Kumar Jha who is a convicted person in fleeing away from the Ward of Majorganj hospital, Bhagalpur where his treatment was being done. This petitioner being an accomplice of the said accused was caught there by constable on duty and accordingly the case was registered.

It is submitted that the petitioner is a juvenile and on the date of alleged occurrence he was little more than 17 years of age. He is said to be in custody since 20.08.2019.

It is submitted that considering that the petitioner is a juvenile he may be released on bail. His father is ready to give an undertaking that if released on bail the petitioner shall not be allowed to come in touch with any criminal and considering that he had no criminal antecedent keeping in view the spirit of Section 12 of the J.J. Act, 2015 petitioner may be released.

On the other hand, learned A.P.P. for the State has opposed the prayer for release of the petitioner. It is his submission that the social investigation report of this petitioner shows that his parents were not aware of the bad company of the petitioner and it seems that he has participated in the alleged occurrence under some allurements. The petitioner is permanent resident of the district of Sitamarhi but in course of his study at



Muzaffarpur he seems to have come in touch with bad element. His activities are required to be monitored, failing which he may fall in bad company.

Having heard learned counsel for the petitioner and learned A.P.P. for the State as also on perusal of the materials such as case diary and social investigation report, this Court has noticed that the allegation against the petitioner is that of helping a convict in fleeing away from the custody ward of the hospital, prior to this the petitioner had no criminal antecedent but now the social investigation report shows that in course of his study at Muzaffarpur he had fallen in bad company.

Since the petitioner is a juvenile and he had no prior criminal antecedent as also he has remained in custody since 20.08.2019 and when he was arrested no arm or ammunition was recovered from his possession and further that his father is ready to give an undertaking that if released on bail the petitioner shall not be allowed to fall in bad company, considering the spirit of Section 12 of the J.J. Act, 2015, this Court sets-aside the impugned order.

Let the petitioner above named be released 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 Principal Magistrate, J.J. Board, Bhagalpur in connection with Sol. Vigilance 04 of 2019 (arising out of Kotwali (Barari) P.S. Case No. 727 of 2019, subject to the condition that one of the sureties would be the father of the petitioner, he will give an undertaking that after release on bail the petitioner shall not go outside the district of Sitamarhi without prior information to the Probation Officer and the Police Station within whose jurisdiction the petitioner permanently resides with his parents.

Let it also be recorded that the social investigation report has also taken a view that the petitioner comes from a good family and he had fallen in bad company during the period of his study in connection with his study at Muzaffarpur, this is one more reason which the Court sees that if the petitioner is released on bail giving the aforesaid condition that he would not visit any area outside Sitamarhi district without prior permission perhaps that will take care of the apprehension that he may again fall in bad company.

The Probation Officer who will be named by the Juvenile Justice Board, Sitamarhi shall monitor the conduct of the petitioner and the Probation Officer as well as the father of the petitioner shall in case of any act or omission being



committed by the petitioner in conflict with law be brought to the notice of the Police Station. With these safeguards the petitioner may be allowed to be released so that he may get attached to his family and a chance to amend his best.

And further 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.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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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'.

