

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.732 of 2019

Arising Out of PS. Case No.-299 Year-2018 Thana- MANJHAGARH District- Gopalganj

Faiyaz Alam @ Faiyaz Mian, S/o Qyamuddin, Resident of Village- Sareya Narendra (Chantoliya), P.S.- Barauli (O.P. Madhopur), District- Gopalganj (Under the Natural guardianship of his father Qyamuddin aged 56 years, S/O Manudin, Resident of Village- Sareya Narendra (Chantoliya), P.S.- Barauli (O.P. Madhopur), District- Gopalganj.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Harendra Prasad, Advocate
For the Respondent/s	:	Dr. Indihar Kumari, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL JUDGMENT

Date : 31-01-2020

Heard learned counsel for the petitioner and the learned counsel appearing on behalf of the State.

2. The present revision application has been preferred against the judgment dated 27.03.2019 passed in Cr. Appeal No.19/19 by learned Sessions Judge, Gopalganj as well as the order dated 08.02.2019 passed in J.E. No.06/19 arising out of Manjharh P.S. Case No.299/18 by the Principal Magistrate, J.J. Board, Gopalganj, whereby and whereunder the learned Sessions Judge and the Principal Magistrate rejected the bail of the petitioner for the offences punishable under Section 414 of the I.P.C. and Section 25(1-b)A/26/35 of the Arms Act.



3. It is submitted by the learned counsel for the petitioner that bare perusal of the order dated 06.02.2019 indicates the date of birth of the petitioner to be 18.01.2004, which at the time of occurrence made him only 14 years 8 months and 9 days. It is further submitted that from the order dated 08.02.2019, it appears that the J.J. Board has considered the case of the petitioner and held him to be a juvenile, but yet he has not been released which is against the provisions of law as enumerated in Section 12 of the J.J. Board Act and the Rules and he may be released in favour of a fit person or his father. It is further submitted that the petitioner's name has surfaced only in the confessional statement made by one co-accused Satyendra Ram and he has been in custody since 04.12.2018. He thus submits that the petitioner being a juvenile may be extended the privilege of bail.

4. Having considered all facts and circumstances and also that the petitioner has been in custody for more than one year, let the above named petitioner, a juvenile, be released on bail on his furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Principal Magistrate, J.J. Board, Gopalganj, in connection with J.E. Case No.06/19 arising out



of Manjhagarh P.S. Case No.299 of 2018, in favour of his father, who shall keep him under his guardianship and produce him as and when required and also subject to the condition that one of the bailors of the petitioner shall be his father who at the time of filing of the bonds, shall also give an undertaking that he will take proper care of the petitioner and in case the petitioner does not act as per his advice, he shall report the matter to the Officer-in-Charge of the concerned police station and further during the period of bail, the petitioner will be under the supervision of concerned Probation Officer.

5. In the result, the revision application is allowed and the impugned order dated 27.03.2019 and 08.02.2019 are set aside.

(Anjana Mishra, J)

PNM

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	
Transmission Date	

