

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.759 of 2019

Arising Out of PS. Case No.-829 Year-2018 Thana- SIWAN CITY District- Siwan

ASHIQUE @ MD. ASHIQUE ALI @ MD. ASHIQUE Son of Akhtar Hussain
through his mother and natural guardian namely Shahida Khatoon W/o Akhtar
Hussain, Resident of Village - Atarsuwa, P.S.- Saray (O.P), District - Siwan

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Amir Alam, Advocate
For the Respondent/s : Mr. Satyendra Prasad, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

7 13-02-2020 Heard learned counsel for the petitioner and learned
counsel appearing for the State.

The present criminal revision application is directed
against the order dated 03.04.2019 passed in Cr.Appeal No.12
of 2019 passed by learned Additional District & Sessions Judge-
IV, Siwan as well as order dated 21.02.2019 passed in
J.J.Tr.No.03 of 2019 passed by learned Juvenile Justice Board,
Siwan arising out of Siwan (Town) P.S.Case No.829 of 2018 for
the alleged offences under Sections 25(1-b)a, 26 and 35 of the
Arms Act by which the learned Court of J.J.Board, Siwan as
well as learned appellate Court have been pleased to reject the
prayer for bail of the petitioner.

Learned counsel for the petitioner submits that the



petitioner has falsely been implicated in this case under Sections 25(1-b)a 26 and 35 of the Arms Act. It is further submitted that the J.J.Board, Siwan vide its order dated 21.02.2019 has noted that the appellant, namely, Ashique @ Md. Ashique Ali @ Md. Ashique is juvenile as on the alleged date of occurrence. Nevertheless, the Court below in violation of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 has rejected the prayer for bail of the petitioner. It is further submitted that the petitioner filed Cr.Appeal No.12 of 2019 but the learned Additional District & Sessions Judge-IV, Siwan without appreciating the fact that the petitioner is a juvenile as is evident from the order dated 01.02.2019 has declined to release the petitioner and, as such, he is languishing in jail since 31.12.2018 and, therefore, the petitioner may be released on bail.

Having considered the facts and circumstances and also considering that the present petitioner is in custody since 31.12.2018, let the above named petitioner, be released on bail under the guardianship of his mother, namely, Shahida Khatoon wife of Akhtar Hussain, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Juvenile Justice Board, Siwan in



connection with J.J.Trial No.03 of 2019 arising out of Siwan
(Town) P.S.Case No.829 of 2018.

The revision application stands disposed of.

(Anjana Mishra, J)

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