

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.758 of 2019

Arising Out of PS. Case No.-595 Year-2017 Thana- SITAMARHI District- Sitamarhi

Aman Parasar@Rana Singh@Raja@Rana, Son of Ajay Kumar Singh,
Resident of Village - Pachtaki, P.S.- Bairginia, Distt - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Surendra Kishore Thakur, Adv. Mr. Alok Kumar Jha, Adv.
For the Respondent/s	:	Mr. Md. Fahumuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 19-02-2020 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner in this case has been declared juvenile being aged about 17 years 3 months on the date of the alleged occurrence. He is seeking setting aside of the order dated 11.02.2019 passed by learned 1st Additional Sessions Judge-cum-Special Judge (Children Act) in Cr. Appeal No.66 of 2018/39 of 2018 by which the learned appellate court has affirmed the order dated 01.10.2018 passed by the learned Juvenile Justice Board in Case No.1326/2018 (612/2019) arising out of Sitamarhi P.S. Case No.595 of 2017 registered for the offences under Sections 302 and 120B/34 of the Indian Penal Code and Section 27 of the Arms Act.



Learned counsel for the petitioner submits that although in paragraph '3' of the application the description of as many as seven cases have been given against the petitioner but in the cases at serial nos.2, 3, 4, 5 and 7 the petitioner has been acquitted. In the cases at serial nos.1 and 6 he is on bail. Learned counsel reiterates that he has been making this statement on verification. It is further submitted that so far as the present case is concerned, the name of this petitioner has been brought on mere suspicion as he is not named in the FIR and the informant has stated that some unidentified miscreants had shot at his son and caused death at his shop.

It is also submitted that the co-accused Rajeev Kumar Singh who was also made accused on the basis of the confessional statement of the co-accused Ravi Singh has been granted bail by a learned coordinate Bench of this Court in Cr.Misc.No.66674 of 2018. Ravi Singh who was declared juvenile has also been directed to be released on the ground of juvenility. Web copy of the order dated 19.12.2018 passed in Cr.Misc.No.66674 of 2018 has been placed before this Court.

It is submitted that the name of this petitioner has transpired in the confessional statement of co-accused Kishan Kumar but save and except the said confessional statement no



independent material has been collected by the investigating officer against the petitioner in course of investigation.

As regards the observation of the learned Principal Judge, Juvenile Justice Board, Sitamarhi and the learned 1st Additional Sessions Judge-cum-Special Judge (Children Court) that release of the petitioner may expose him to the association of the bad society and he is likely to come in the association of other criminals and may commit another offence, learned counsel submits that the father of this petitioner, who is having no criminal antecedent, is ready to furnish an undertaking that if the petitioner is released from the observation home, he will keep the petitioner away from the present place at Sitamarhi and shall ensure his education in development of his skill and ability by putting him in a proper institution.

Learned APP for the State after going through the case diary informs this Court that save and except the confessional statement of the co-accused against the petitioner there is no other material against him.

Considering the facts and circumstances of the case, the fact that except confessional statement there is no other material and the principles laid down by the Hon'ble Supreme Court repeatedly and lastly in the case of Prabhakar Tewari Vs.



State of U.P. & Anr. reported in 2020 SCC Online SC 75 that mere a criminal antecedent cannot be a ground to refuse bail as also that the petitioner is a juvenile and his father is ready to give an undertaking that if released from the observation home he will ensure that the petitioner does not stay at Sitamarhi and be kept outside the town, put him in an institution to develop his skill and ability for his livelihood, this Court directs release of the petitioner from the observation home on furnishing bail bond of Rs.15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of leaned Juvenile Justice Board, Sitamarhi in connection with Sitamarhi P.S. Case No.595 of 2017. One of the sureties will be father of the petitioner. Any breach of the conditions may be brought to the notice of the court.

(Rajeev Ranjan Prasad, J)

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