

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL REVISION No.760 of 2019**

Arising Out of PS. Case No.-60 Year-2019 Thana- BATHNAHA District- Sitamarhi

SAMARJEET KUMAR @ SARVAJEET YADAV Son of Kaleshwar @ Kaleshwar Yadav @ Kalevar Ray Resident of Village- Harsingpur, P.S.- Bathnaha, District- Sitamarhi through his father and natural guardian Kaleshwar @ Kaleshwar Yadav @ Kalevar Ray, Male, aged about-49 years, Son of Musafir Rai, resident of Village- Harsingpur, P.S.- Bathnaha, District- Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh, Advocate
For the Respondent/s : Mr.Anita Kumari Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

6 20-10-2020 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner in the present case is seeking to set aside the order dated 17.05.2019 passed by learned 1st Additional Sessions Judge-cum-Special Judge (Children Court), Sitamarhi, in Cr. Appeal No. 19 of 2019/11 of 2019, whereby and whereunder order refusing bail to the petitioner vide order dated 26.03.2019 passed by learned Principal Magistrate, Juvenile Justice Board, Sitamarhi in JJB No. 768 of 2019 corresponding to G.R. No. 639 of 2019 arising out of Bathnaha P.S. Case No. 60 of 019 registered under Sections 25(1-b)A, 26, 35 of the Arms Act has been upheld.



Learned counsel for the petitioner submits that on secret information when the police party reached at given place the petitioner was apprehended with others. It is submitted that from possession of the petitioner one country made pistol with 8 pieces of live cartridges were recovered.

Learned counsel for the petitioner submits that the date of birth of the petitioner is 07.09.2005, therefore, on the alleged date of occurrence he was of 13 years 5 months and 2 days. In this regard reliance has been placed on the order of the learned Juvenile Justice Board, Sitamarhi as contained in Annexure '2' to the present application. It is stated that the petitioner is behind the bars since 11.02.2019 and the father of the petitioner is ready to take care of the petitioner so that the petitioner may not fall in bad company after his release on bail.

Having regard to the facts and circumstances of the case wherein this petitioner has been found juvenile aged about 13 years 5 months and 2 days on the alleged date of occurrence, he has remained in the observation for about 20 months in connection with this case and it is the submission of learned counsel for the petitioner that the father of the petitioner is ready to give an undertaking that if released on bail the petitioner would not be allowed to fall in bad company and that Ms. Anita Kumari Singh, learned APP for the State has after going through



the case diary and social investigation report submits that although no other material has come but the social investigation report shows that the juvenile requires some attention from the family so that he does not fall in bad company, this Court sets-aside the impugned order.

Let the petitioner above named be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge in connection with JJB No. 768 of 2019, corresponding to G.R. No. 639 of 2019 arising out of Bathnaha P.S. Case No. 60 of 2019, with condition that one of the sureties will be the father of the petitioner and the petitioner would be in supervision of Probation Officer and in case he is found involved in any other offence of similar nature the same will be brought to the notice of the nearest police station.

The father of the petitioner shall also give an undertaking that he will take care of the education of the petitioner and shall not allow him to fall in bad company. The Child Probation Officer shall also keep on visiting the residence of the petitioner and will submit a periodical statement in this regard to Juvenile Justice Board, Sitamarhi.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is



found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

The application stands allowed.

(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'.

