

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL REVISION No.872 of 2019**

Arising Out of PS. Case No.-20 Year-2019 Thana- PHULWARIYA District- Gopalganj

Mazahar Hashmi, Son of Zakir Hussain, Resident of Village - 24, Sawanahi Patti, Bhanpur, P.S.- Phulwaria, Dist.- Gopalganj. Represented through natural guardian who is grandfather namely Md. Amruddin age about 77 yr. S/o- Mobarak Hussain, R/O 24, Sawanahi Patti, Bhanpur, P.S.- Phulwariya, Dist- Gopalganj

... .. Petitioner

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Brij Bihari Tiwary, Advocate
For the Respondent/s : Mr.Ashok Kumar,, A.P.P.

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

6 17-08-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in the present case is seeking setting aside the order dated 03.05.2019 passed by learned 1st Additional Sessions Judge, Gopalganj in Criminal Appeal No. 31 of 2019 by which prayer for regular bail of the petitioner has been rejected and the order passed by learned Principal Judicial Magistrate, Juvenile Justice Board, Gopalganj in J.E. No. 26 of 2019 vide order dated 12.03.2019 arising out of Fulwaria P.S. Case No. 20 of 2019 registered under Sections 121, 121A, 124A, 153A, 153B, 295A of the Indian Penal Code and Section 66(F) of I.T. Act) has been affirmed.



Earlier this Court had called for the case diary and social investigation report of the petitioner which have been received and is placed on the record.

The allegation against the petitioner is that he had posted some anti-national materials and messages on 14.02.2019. It is for the said anti-national post the present FIR has been lodged and the petitioner has been apprehended.

Learned counsel for the petitioner submits that from Annexure '2' which is class X Grade Sheet cum Certificate of Performance of the petitioner it appears that the petitioner had secured 09.2 Cumulative Grade Point Average (CGPA) in his class 10th examination.

Learned counsel for the petitioner further submits that the Juvenile Justice Board vide order dated 06.03.2019 declared the petitioner as a juvenile. Copy of the said order is placed on record of the present case. It is lastly submitted that the petitioner has remained in observation home since last seventeen months. The social investigation report also reveals that the petitioner had cordial relation with his family members neither any economic nor any social factor is said to have induced the child to indulge into the present matter. It is, thus, submitted that if the petitioner is not released at this stage, he



will not only lose his study but also it is difficult for him to come in the mainstream of the society.

The parents of the petitioner are ready to furnish undertaking that they would not allow the petitioner to fall in any bad company.

Learned APP for the State has though opposed the prayer for bail of the petitioner but considering the facts and circumstances of the case, wherein the petitioner has been declared a juvenile, finding it that he is in Observation home/remand home for about 17 months, he has good academic records and social investigation report prima-facie reveals that the age factor and the circumstantial condition may be the main reasons for the child to indulge in this matter and proper counselling of the child is required and that the parents of the petitioner are ready to keep him involved with the study and away from the notorious activities, considering the spirit of Section 12 of the Juvenile Justice Act, 2015 the impugned orders are set aside.

Let the petitioner be released on bail furnishing bail bond of Rs.25,000/-(twenty five thousand) with two sureties of the like amount to the satisfaction of learned Principal Magistrate, Juvenile Justice Board, Gopalganj in J.E. Case NO.



26 of 2019 (arising out of Fulwaria P.S. Case No. 20 of 2019).

Subject to the 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 during the lockdown period. The authorities concerned shall take appropriate steps to ensure such observance prior to and after release of the petitioner.

Further condition that parents of the petitioner will furnish an undertaking in prescribed form in according with rule that they would not allow the petitioner to fall in any bad company. The Probation Officer is also directed to keep on visiting the place of the petitioner and submit periodical reports to the Juvenile Justice Board.

This application is 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'.

